THE

TRIAL

OF

KENITH MACKENZIE, Esq.

FOR THE

WILFUL MURDER

OF

KENITH MURRAY MACKENZIE,

At FORT MOREA, on the Coast of AFRICA,

On the FOURTH of AUGUST, 1782:

Who was TRIED by a Special Commission at

JUSTICE HALL, in the OLD BAILEY,

On FRIDAY the 10th of DECEMBER, 1784.

And received Sentence of Death.

TAKEN IN SHORT-HAND BY

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M DCC LXXXIV.

[PRICE NINE-PENCE.]

THE TRIAL

OF

BEFORE the Right Honourable RICHARD CLARKE, Esq; Lord Mayor of the City of London; the Honourable EDWARD WILLES, Esq; one of the Justice of his Majesty's Court of King's Bench; the Honourable Sir BEAUMONT HOTHAM, Knt. one of the Barons of his Majesty's Court of Exchequer; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the said City; JOHN WILLIAM ROSE, Esq; and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

INDICTMENT.

1. KENITH MACKENZIE was indicted by the name of Kenith Mackenzie, late of London, Esquire, for that he, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 4th day of August, in the 22d year of his present Majesty's reign, with force and arms, at Fort Morea on the Coast of Africa, in parts beyond the seas, in and upon Kenith Murray Mackenzie, feloniously, wilfully, and of his malice aforethought did make an assault, and that he a certain great gun, called a cannon, value 20s. then and there charged with gunpowder and one iron ball, did discharge and shoot off, to, against, and upon the said Kenith Murray Mackenzie, and by the said iron ball so shot off and discharged from the said cannon as aforesaid, wilfully and of his malice aforethought, did strike, penetrate, and wound the said Kenith Murray Mackenzie, giving to him on the left side of the belly one mortal wound of the length of six inches and of the breadth of three inches, of which he then and there instantly died, and so the Jurors say, that he in manner and form aforesaid, then and there did kill and murder him the said Kenith Murray Mackenzie.

JURY.

James Hanmer, Robert Nash,
Richard Marsh, John Mackenzie,
William Hailstone, Daniel Stewart,
Samuel Piggot, John Monk,
John Bailey, Abraham Jackson,
Thomas Whieldon, John Brook.

Council for the Prosecution.

MR. ATTORNEY GENERAL,
MR. LEE,
MR. WILSON,
MR. FIELDING.

Attornies.

Messrs. CHAMBERLAYNE and WHITE.

Council for the Prisoner.

MR. SILVESTER, MR. ADAM.

Attorney.

HENRY DAGGE, Esq.

Mr.

Mr. Fielding opened the Indictment, and Mr. Attorney General opened the Case as follows:

May it please your Lordship, and you, Gentlemen of the Jury, the prisoner at the bar, Captain Kenith Mackenzie, as you have heard, stands indicted for the wilful murder of Kenith Murray Mackenzie, on the coast of Africa, without this realm; and, Gentlemen, in a case like this, it would very ill become me to do more (and I am sure I shall very sufficiently discharge my duty in doing that) than state to you the facts, without endeavouring to excite your passions, or aggravate the offence of the prisoner; I shall, therefore, content myself with stating those facts, but you are to make observations on the nature of the defence. The prisoner at the bar, who is a man of some rank, went out in the beginning of the year 1782, Captain of an independent company, in the Leander, to attack some of the Dutch settlements on the coast of Africa; the Leander returned, and he was left commander of this company, and also commander of a fort, called Fort Moreau, after he had been there some time, this unfortunate man, whose death was undoubtedly owing to the act of the prisoner, for some offence or other, was by him made prisoner, and fearing the consequence of the discipline that the prisoner might inflict, he did prevail on the sentry to let him escape to Black Town: the prisoner, as soon as he heard of it, was violently enraged, and immediately ordered the guns of the fort to be pointed towards that town, declaring that if they did not immediately restore the deceased, he would lay the town in ashes: by those threats, the inhabitants of that town, who were chiefly blacks, did the next morning bring back the deceased, and deliver him into the custody of Captain Mackenzie, who immediately ordered him to prepare for instant death; and very soon afterwards you will find had him brought out before the fort, and had his hands tied to a handspike, and in that situation he placed him to the mouth of a great gun, and then with a pistol which he held at the head of one of the men, he ordered him instantly to discharge the cannon, and blow the deceased into the air; the poor man, standing in this situation, turned round and said, Plunket, you will not kill me! yes, said he, I will, if my master bids me. Gentlemen, this very circumstance, in my opinion, shews a very great degree of power indeed, which this Gentleman must have over his garrison, who could see an execution performed in a manner totally unheard of in any country, and by a mode of military execution, if it is to be called so, which I trust never will be adopted. Gentlemen, this is all the observation I shall make; I shall proceed now only to state what evidence has appeared with respect to the prisoner's motives for this act; and it will appear to you, he himself has declared what passed on that occasion to one or two persons, to whom he made no scruple to declare what he had done, and the manner in which he had done it: and these declarations were made in terms which I am surprised that any man who ever thought proper to make such an example should ever use; for he did not think proper merely to relate the fact and the manner in which he made this example, and which, I suppose, he will alledge to day, he did by necessity, but in relating this transaction he said, he sent him out of the world *eagle fashion!* Gentlemen, what defence the prisoner can make, and in what manner he can justify so very violent and so very extraordinary an act on the life of his fellow subject, I cannot possibly imagine; I cannot at all figure to my mind any legal excuse for such an act as this; however, I will lay before you those facts which I have stated, and you will, I am sure, under my Lord's direction, pass that judgment on those facts, which is to decide the fate of the prisoner at the bar: you will determine whether or no it was maliciously done. Gentlemen, it is not at all necessary for me to add more on this case, I shall confine myself to the facts alone, and I doubt not but you will on this

occasion

occasion to plead to your country, in the exercise of that humanity, which shall ever distinguish Britons.

The witnesses examined apart at the request of the Prisoner's Counsel.

Court. Is Plunket to be examined as a witness on either side?—Plunket is dead.

JOHN JONES *sworn.*

Examined by Mr. Lee.

Was you a passenger on board an Ordnance store-ship at any time on the coast of Africa?—I was.

Was you there at the time which gave rise to this prosecution?—Yes.

When was that?—I think the latter end of July.

In what year?——In the year 1782.

What part of the coast of Africa was you at?—From one end to the other; from Goree down to the Brazills, St. Thomas's, &c.

Where was you at the time that the unfortunate deceased was put to death?—At Fort Morea, to leeward of Cape Coast.

Relate to my Lord and the Jury what you know of that transaction, without my leading you particularly to it?—On Saturday the 8th of June 1782, I went passenger on board the Active, ordnance store-ship, Captain Malton, Commander; during the time that I was passenger on board the ship, I had no connections with ship duty, I frequently used to go on shore; on Sunday morning, I think it was the latter end of July, I went on shore in a canoe, the aforesaid canoe carried me to Fort Morea, where I was landed; on my landing I found the black people in a great confusion, I asked them the reason, and they told me that Captain Mackenzie had pointed two great guns to their town, and threatened to level it to the ground in case they did not deliver up his nephew.

That is not evidence what the people told you; did you see any guns at all?—I did.

Where were they pointed to?——I did not examine that. In the course of ten minutes or a quarter of an hour after that, I came to the fort, and I found that the deceased had been delivered up; I there saw the deceased Kibbith Murray Mackenzie.

Court. Did you know him?——I never saw him, to my knowledge before.

Mr. Lee. When you saw him, was he at liberty, or was he in custody?—In custody of soldiers.

What passed on this?——I went to Fort Morea, on my entrance to the fort I saw Captain Mackenzie coming out of a house in the fort, with a brace of pistols, one in each hand; they appeared to me like pistols; in a short time after that, two men followed him which I did not know; but they were white people, they were two soldiers that followed Captain Mackenzie.

Mr. Lee. You said you saw Captain Mackenzie come out, did you know him before?——Perfectly well, I saw him on board the Active, and at Cape Coast several times; I knew him through his coming at Lieutenant Clarke.

Who is that Gentleman?——That is the Gentleman [illegible] of a fort, command[illegible]

Proceed in your story?——I saw those two men, Captain Mackenzie halted a little, they passed him, and he followed them at some little distance, they went towards the platform; coming there, the deceased was put before the mouth of a gun.

Who put the deceased there?——A soldier, one of the two men that I saw in company with him there, there was one soldier and the deceased.

Was the deceased one of the two men that you saw passing by the prisoner now at the bar, while he was halting?——Yes; after the deceased was put before the mouth of a gun, his hands were extended out in this manner, to a handspike, or something of that sort.

Do you know how he came to be put in that posture, by whose directions; did you hear any orders given for that purpose by any person?——I was not near enough to hear any orders, I was crouded among the blacks, equally the same as a croud in England; the men who fixed him there withdrew

drew and came abreaſt of the gun; I ſaw the flaſh, I heard the report, and that is all; ſhe came to the hole where the touch-hole is, with a match, or ſomething like that, and I ſaw the flaſh, heard the report, and ſaw nothing more of the deceaſed.

Pray, crouded as you was amongſt the blacks, could you ſee at the time that this report was made and the flaſh preceeded, that there was anybody ſtanding at the mouth of a gun?—It appeared to me like a man, there was a body at the muzzle of the gun at the time; I ſaw the flaſh, and heard the report.

Do you know where Captain Mackenzie, the priſoner, was at that time?——Abreaſt of the gun, on the oppoſite ſide of the man who fired the gun; one man ſtood on one ſide the gun, and he on the other.

How far might you be off at the time this happened?—About one hundred yards or better. I do not know whether it was or not, being confuſed I had not an opportunity of making any remarks; it was between the hours of ſeven and eight, it might be eight, quite day-light, I had no watch at that time.

Was it broad day-light?——Broad day-light.

As it now, I ſuppoſe?——Equally the ſame.

Do you recollect when this happened?—On Sunday morning, about the latter end of July I think; not having connections with any ſhip's duty, I ſeldom or ever looked at a log-book, therefore I did not know the day of the month.

You do not know, I ſuppoſe, what became of the body?—I do not.

Croſs-examined by Mr. Silveſter.

What are you?——I belong to the navy, ſix years.

What do you mean by that?—His Majeſty's ſervice, I was a Captain's ſteward.

How came you to go to Africa?—I was Captain's ſteward.

How came you juſt now to tell us, you went out as paſſenger, on board his Majeſty's ſhip Argo, how came you to leave your ſtation?——Becauſe the Captain and I had a diſpute.

Then the Captain turned you off, and you came home in another ſhip?——He gave me a certificate.

Have you that certificate about you?—No.

I thought not?——I can ſoon ſend for it; I was in that ſituation as Captain's ſteward, till Saturday the 8th of June; at which time the Captain gave me a certificate, and ſent me on board of his own ſhip, to the coaſt of Africa, the other ſhip was bound to England.

Where was this veſſel ſtationed?——In Cape Coaſt roads.

How far is that from Morea?——About three miles.

You made uſe of a very odd expreſſion for a ſeafaring man, the *aforeſaid* canoe, where did you learn that term *aforeſaid*?—I learned it at ſchool, I am not accompliſhed with abilities as well as you are.

Do you think that behaviour will get you any credit with the Jury, you muſt conſider, though that man is ſtanding here for his life, it may be your caſe ſometime or other?——I hope not.

Then do not be ſo flippant?——I will anſwer you every queſtion.

You know nobody at the fort?—Only Captain Mackenzie.

Then you did not know the number of men that were there?—No.

Nor the ſituation of the coaſt?——I was deprived of that, the ſituation that I ſaw the culprit blown from the mouth of a gun, it was not a time for me to make any remarks; I never had been there before to my knowledge, I never ſaw the deceaſed before.

Had you been ever on ſhore before?—I was always on ſhore at Sanſedeus, I lodged there; I never was at Morea before this day, I do not recollect the day of the month, I marked it down immediately, when I came on board, I made remarks immediately upon what I had ſeen; but

the day of the month I never thought to look into.

But the hour, you remarked?——It was about eight.

How came you to recollect the hour so well, and not the day?—Having no connections with ship's duty, I never looked at the log board.

Then you only put down the hour, you did not put down the the day at all?——I know it was of a Sunday morning, because of the Catamoran.

I will give you a reason why you do not chuse to mention the day?——Why, Sir?

Because you will be contradicted by your own witnesses?—I never thought it would be brought to this pitch, I only inadvertently spoke of it.

Was not you the man that gave the information?—I was, I inadvertently spoke of it in Charles-street, Berkley-square.

Then how came you to make a remark of the business?——In order for the satisfaction of my friends in England, or any person I corresponded with.

What had your friends in England, to do with this man abroad?—They did not know the man abroad.

Mr. Jones, then you put it down by way of information for your friends particularly, of the transaction when you came to England?——That was my motive.

How came you to particularise the day and the hour?—I did, I had no other motive than I have told you, in order to acquaint my friends in England, and myself, of the cruelty that was acted, I did not know the day of the month, I am positive of that.

Have you got that paper, did you put it down at the time?——I will send for the book if you please, it is over at the Rose Tavern.

You never saw the man that was shot?——No.

You do not know his name of your own knowledge?——No, I never had any acquaintance with him in my life, to my knowledge.

The situation the garrison was in at that time, you do not know?—No.

You had never been at the fort before nor since?——No.

Only by meer accident and chance you went there?—Inadvertently, in order to see the fort.

What was your business on shore?—A party of pleasure.

What amongst the black people?—Yes.

No business at all, but merely to go amongst these black people?——I went on shore in order to see Fort Morea, I went from Cape Coast merely on a party of pleasure.

Then how came you to be every day on shore?—I was on shore every day at Cape Coast, but not at Fort Morea.

Did you know any person in the fort?—I knew those people that traded on board.

If you was ever there, you know, that is not an answer, did you know any of the white people?——I knew Captain Mackenzie, I knew another white man, that was assistant to Captain Mackenzie; he was pilot to take the Argo up to the Dutch Commander, he was the pilot stationed at the quarter deck, he was not at the Fort at that time, I knew nobody there but Captain Mackenzie.

Will you describe the situation the fort was in?——I cannot.

Can you describe the extent of it?——I cannot presume to say, I would not say beyond my oath on any occasion.

Can you describe the size of it?—Larger than this hall a great deal, it was a Dutch Fort taken by the Leander, Captain Shirley.

Did you keep a journal?—Not on board the Active, on board the Argo I kept a journal.

You went on shore that morning?——Yes, in a canoe, about six or a little after.

Never before?——No, Sir, it is not allowed.

Prisoner. You say you came from Captain Malton's ship in a canoe?——Yes.

At what o'clock do the canoes come off?

off?—Not before gun firing, a little after they come.

Is that at day light?—At day light.

At what o'clock is it day light in that country, at that time of the year?—It is day light at five in the morning, and before.

Did the canoe carry you back to Cape Coast, Sir?—Yes.

Whose canoe was it?—Captain Caffrey Badrou, a black fellow.

Did the canoes regularly come to your ship as a trading ship, to trade with them before day light, or at day light; or at what period did they come to trade?—At day light.

They always came by day light to trade?—Yes, always, and always after, till we came to Coast roads.

How many hours did it take to work down?—You know that as well as I do.

I am not asking you what I know, but what you know; what time do you imagine you could paddle down there?—In the course of thirty minutes.

How many paddles had the canoe?—I believe there were four, you know Caffrey Badrou very well, I think it was a four paddle canoe.

Be sure, Sir, that is not a trading canoe?—It is.

How many miles is it by sea?—Three.

Could you come three miles in that period?—In about twenty or thirty minutes at furthest; we always can paddle down, because it is always to leeward.

Was there a sentry at the fort at the fort?—I do not recollect seeing a sentinel.

Pray did you scale the walls then, Sir, or come through the walls?—I came through the door.

Are you positive there was no sentinel at the door?—There might, I did not perceive him; there was a vast number of people.

In a word, were the gates open or shut?—Open.

And you saw no sentry?—No.

Then I must be very deficient in my duty, did no person challenge you on your coming in?—No.

And yet you knew nobody in the fort?—Only Captain Mackenzie.

You did not speak to him?—No, I stood from the platform a hundred yards.

Court. Were the blacks in the fort, or on the outside?—In the fort, the platform goes round.

Where was you standing?—About a hundred yards distant from the platform, upon the entrance of the gate within.

You recollect seeing a number of black people there?—I do not recollect the number.

Prisoner. Stop! stop! Sir, I will make you recollect, are there not steps to the platform; truth must come out, my friend, for you never was there Mr. Jones, any more than his Lordship?—No man can dispute it.

What breadth was the platform?—I do not know, do I know the breath of this table now.

Prisoner. My Lord, the fort is a continued platform, there is no other ground to go upon, not an inch, so that he must have been on the platform, or else not at all in that fort.

Court. What do you take to be the breadth of the fort, in any one part?—I really cannot tell you.

Because you say you was at the entrance?—The blacks were along with me, and I was in the middle of them; so far as this, my attention was too great to see the man blown from the mouth of a gun, that I had not time.

Then you cannot speak to the distance you was off, when the cannon was fired?—I cannot, it might be a hundred yards, more or less, I cannot be positive.

Prisoner. My Lord, please to let the witness describe the fort to the Court, and the way of the entrance?—Much the same as Cape Coast.

Describe it to the Court?—Equally the same as Cape Coast; you go up steps, and then you turn to the left at Cape Coast, and in the room of that, at Morea you turn to the right.

Prisoner. When you enter the gate, what

is the next object that ſtrikes your eye?—I do not recollect.

How can you poſſibly go over a draw bridge, and not recollect it; is there a draw-bridge in that fort?—There are a ſort of boards.

There is a draw-bridge there; I will refreſh your memory, young man?—You cannot refreſh my memory.

Another queſtion, I wiſh to confute this witneſs, my Lord, for he never was there; you croſs a draw-bridge, what is the next object you ſee?—As I have told my Lord before, never being in the fort but once, and ſeeing the object I ſaw, put before the mouth of a cannon, it was impoſſible for me to make any remarks on the fort.

You know there is a ſerjeant's room for a guard room, where there is always a guard to receive and turn out ſtrangers?—At this time you was afraid to truſt your ſoldiers with any amunition, therefore there could be no guard; and you kept the keys of the fort yourſelf.

Priſoner. Aye! and how came you in then?

Mr. Silveſter. How do you know that?—I undoubtedly muſt have ſeen ſoldiers, if there was a guard; I heard of it afterwards.

Mr. Attorney General. Who told you this, the natives?—Yes.

That is not evidence.

Priſoner. You ſay I had the key of the fort in my pocket?—I only go by hearſay, I have related all I knew, and the truth.

Court. You ſaid, you was in the inſide of the fort, and the blacks were at the outſide of the fort?——I was in the middle.

Were the blacks in the fort?——All the blacks.

I think you ſaid, nobody was in the fort but yourſelf, and the blacks were outſide the fort?—I never ſaid it, I did not ſay it, I was in the middle of the blacks as nigh as I can gueſs.

Was you in the fort, or out of the fort?—I was in the fort.

And were all the blacks in the fort a that time?—In the fort.

Court. Did you relate this fact to any perſon on board your ſhip?—As ſoon as I went on board I related it.

Is there any body here to whom you made that relation?—I ſaw a man at the Roſe-tavern, a little while ago, that can relate the ſame, he took a copy from my journal that I made at the time.

Priſoner. I wiſh the witneſs to account to this Honourable Court, how theſe three hundred blacks and himſelf came in, if I had the key in my pocket?

Court. How was it poſſible that you and the three hundred people got into the fort, at the time you ſay, if the priſoner had the key in his pocket? *(to the priſoner)* that is your queſtion?

Priſoner. It is my Lord, the ſenſe of it?—The reaſon is, theſe blacks ſurrendered this man, who is the deceaſed, that was the reaſon they were admitted into the fort.

JOHN MORTIMER *ſworn.*

Examined by Mr. Wilſon.

What are you?—I belonged to Captain Mackenzie's company; I enliſted with him for three years, during the war.

Was you with him on the coaſt of Africa?—Yes, I was with him till he was taken a priſoner.

Did you know Kenith Murray Mackenzie?——Yes.

Was he too on the coaſt of Africa?—Yes.

Where was it that Captain Mackenzie was with you and the ſoldiers at the fort?—At a place called Morea, five miles beyond Cape Coaſt; it is in the latitude of three.

Relate now what paſſed about Murray Mackenzie?—I heard that Captain Mackenzie and this Murray *ſhould have* ſome falling out, I do not know what it was, I was at Cape Coaſt, and Murray came up to Cape Coaſt; I cannot tell what time that was, I never thought to live a minute, I was very bad.

Court. Tell us what you know of your own knowledge; you ſay you was under Captain Mackenzie's command at Morea?—Yes.

And

And ſo was Murray?—Yes.

Were you and he in the fort of Morea together with Captain Mackenzie?—Yes.

When you came back to Morea, did you ſee any thing that paſſed between Murray and Captain Mackenzie?—Murray was there before me, and one morning he got out of the garriſon, I was then in the fort.

That was after your illneſs?—Yes.

Mr. Wilſon. Can you at all tell what time that was?—I cannot tell what month, or what day of the month it was.

Do you know any thing of your own knowledge what Captain Mackenzie did?—One Brooks let him out of the garriſon, and Captain Mackenzie came and called Brooks up to flog him; I heard Captain Mackenzie ſay to ſerjeant Andrews, go and fetch up that old raſcal, for I will flog him to death, by God.

You heard him ſay that?—I did: then Captain Mackenzie ordered the ſerjeant to write a paſs for me, and one William Coupland, and John Jarvis, to go and look after him.

—Did you in conſequence of this go and look after him?—We did; we did not go quite ſo far as we were ſent, or elſe we ſhould have been taken priſoners; we came back again to Captain Mackenzie, and told him we could not find Murray Mackenzie; we had orders to go to the Dutch mines, and Captain Crawford ſaid, here is a paſs; I never ſaw ſuch a thing in my life: we went to Cape Coaſt to look after him, we had orders to go further.

Is there a town near Morea, called the Black Town?—It is cloſe to it, we went through the town to go to Cape Coaſt, we did not ſearch for him there; we came back about three in the afternoon; the Captain ſaid, if you cannot find him, you muſt load two ſix-pounders, and fire into the town, meaning the Black town; the black men came round to the back of the fort, but many of them ran out of the town; the two ſix-pounders were fired into the town, ſome of the blacks came out, and others came to the back of the fort, to know the reaſon why they fired into the town.

Alderman Watſon. Were the guns ſhotted, or only with powder to give them notice?—They were loaded with ſhot, I ſaw the hole where one of the balls had hit, which knocked down a piece of a houſe; the blacks came to know the reaſon.

Was Murray Mackenzie afterwards brought from the town?—Next morning we heard a noiſe a little after five, coming to look about, we ſaw this man and a matter of three thouſand blacks, (if ever there was a man in the world) and the deceaſed was in the middle.

What day of the week was that?—It was on a Sunday morning.

Where was it that you ſaw him?—I ſaw him at the garriſon gate.

When you firſt ſaw him, where were the blacks?—They were without the fort, the gates were not opened at that time; then Captain Mackenzie hearing they had brought in the deceaſed, he got up, and went and looked at Murray Mackenzie; but before that, a little while after five, between five and ſix, Captain Mackenzie ordered the men to get two ſponges and one worm, or two worms and one ſponge, I am not quite ſure which, and to waſh them acroſs the embraſures.

Did you hear Captain Mackenzie order what was to be done with them?—Yes; preſently after that a gun was hauled in, we could not get any ropes for a good while, at laſt we cut the enſign halliards, what we hoiſt the colours with, we cut them into three parts, then I heard Captain Mackenzie tell Coupland to take a file of men, and go down and fetch Murray Mackenzie from the blacks; accordingly he went down with the file of men; I ſaw him brought back, and as he was coming paſt his own door where he uſed to lay, this man ſays, now do not let me go any further till I alter my ſtation, if I am going to be ſhot like a dog, let me be ſhot like a man; he pulled off his gentleman's coat, and put on a grenadier's coat, a private ſoldier's coat on; his coat

that he had on was a ſort of a ſnuff-colour coat; he acted as Adjutant. Then he came upon the battlements; when he came there, Captain Mackenzie ſaw him, I was there, and I ſaw him then, I followed him up to the battlements for all I was not one of the file of men.

What paſſed then?—Then this Murray wanted to ſpeak to Captain Mackenzie; Captain Mackenzie ſaid no, I will not hear a word from you.

Mr. Baron Hotham. What was he, a private ſoldier?—He was one of the convicts, reſpites, came out of the Savoy; they came ironed two and two when we came board: Captain Mackenzie told him he would not hear a word from him, for he was a traitor to his King and country; accordingly ſays he to all the men that was there, ſoldiers, lay hold and do your duty; the men laid hold.

How many ſoldiers were there?—About thirty I think, to the beſt of my knowledge, I will not be punctual to a man or ſo; they laid hold of him, tie him up there, ſays he, to that gun.

Do you know who it was in particular that laid hold of him?—No, Sir, I do not, I ſtood by, and they laid hold of him; then Captain Mackenzie ſays again, why do not more of you lay hold of him; then I laid hold of him: then Captain Mackenzie told us to tie one of theſe ropes that were cut into three parts, round both his hands together, the other rope was to tie his right leg juſt above his knee, and another rope was tied round his left leg, accordingly he was ordered to ſit down upon the embraſure, that is where the gun goes level with the ſort, he could juſt get in to ſit down, when he ſat down his hands were ordered to be tied up to thoſe two ſponges and a worm, or the two worms and one ſponge, I cannot ſay which with certainty; then his leg was tied in two round turns round the muzzle of the gun, then the other leg was tied the ſame; when the legs were tied, Captain Mackenzie ſaid, has any of you got a night-cap? no, Sir, ſays they; then, ſays he, if none of you has got a night-cap, I will go and fetch my own; he went into the hall and fetched his own night-cap out, and, ſays he, here, ſoldiers, one of you put it on his head, I cannot rightly ſay who the ſoldier was; it was pulled over his eyes accordingly; juſt then Murray Mackenzie ſays to William Coupland, do, for God's ſake, ask for half an hour to ſay my prayers; accordingly Coupland went to Captain Mackenzie, and ſaid ſomething to him, I do not know what; I heard Captain Mackenzie anſwer Coupland, no, you raſcal, if any man ſpeaks a word in his favour, I will blow his brains out immediately, he had a piſtol in his hands at the time; accordingly he did grant him a little time to ſay his prayers, there was a little of the burial ſervice of the dead read to him, and the Lord's prayer; accordingly when he had read a little of the burial of the dead and the Lord's prayer, Captain Mackenzie ſays, he ſhall not have any more time, pull the Prayer Book away directly.

Court. How long might the reſpite laſt from the time Coupland applied for it?—To the beſt of my knowledge about twenty minutes, when the Prayer Book was pulled away: there was a man ſtood with a lighted ſtick, his name was John Plunket, he ſtood right facing, almoſt by the hall door, he ſtood away from the cannon, the deceaſed could not ſee him; there is a little bit of a corner runs in, and he ſtood behind that, and Captain Mackenzie ſaid, Plunket, when I give you the *haufer*, fire the gun; the *haufer* is a ſignal with the hand.

Count. How near was Captain Mackenzie at that time, was he the ſame ſide as Plunket, or the other ſide?——He was behind the gun like, it was more to the left of the gun.

Was Plunket to the right or to the left?—He was to the left of the gun, the priſoner ſtood almoſt oppoſite to Plunket; ſays Captain Mackenzie, pull the cap over his eyes, I could not tell who pulled the cap over his eyes, and the deceaſed ſays, *O tyrant! tyrant! now you are going to have your*

will

will of me, what you wanted many a long day ago. Accordingly, the cap was pulled over the eyes of the deceased, and as the man was pulling the cap over his eyes, which took up some time, as his head was too big for the night-cap, the deceased said, *O for God's sake have mercy upon me!* Then he said, *good bye to you all, comrades, and God bless you all. Another word,* he said, *remember the very last syllable I am going to speak, I only went down to the black fellow, the black man at the gate, to buy a little brandy; I went to his house and bought some, and drank it, and I went to the garden to take a walk after that, and not having been out of the garrison for so long a time, I sat down in the garden in such a place, and when I sat down, I fell fast asleep, when I awaked, it was just at duskish last night; when I awaked, I was coming up to the fort, and the blacks laid hold of me and took me into their huts, and kept me there all night, and brought me here in the morning:* he said he had no more intent to desert than he had to eat and drink that minute; then Captain Mackenzie waved his hand, and Plunkett came with a lighted stick and touched the touch-hole, and the gun went off; there was no more to see of the man upon the battlements, he was blown over the wall: I had two round turns round the muzzle of the gun, and the other end was round his leg, and it took off the skin of my hand; he was killed, he was tore all to pieces, all but his head, and his shoulders, and legs, and he had his arms on him, I saw him after, there was his kidnies, and his liver and lights, as plain to be seen as ever any thing was in the world; I went down and looked at his remains, and the men went and picked up his remains and buried them.

Cross-examined by Mr. Adam.

When you got to Africa, after you was settled in those garrisons that were taken from the Dutch, were there still hostilities between you and the Dutch; were the Dutch in arms there?—Yes, Sir, we were put against our enemy, directly.

But after you had taken possession of the fort?——At St. George de la Mayne, we were three or four days there, that is seventeen miles from Morea, that was the nearest Dutch fort to us; it was twelve miles from Cape Coast, and seventeen miles from Morea.

Did you ever hear any conversation relative to the deceased's connection with this fort?—No, Sir.

How far is it by water from Morea to the nearest Dutch fort?—I do not know, it is that by land.

Does the land there make a bay?—You go round a parcel of rocks and things; I never heard Murray the deceased had any connection at those Dutch settlements.

I think you said, that the deceased Murray Mackenzie had been in the fort of Morea for some time after his return from Cape Coast?—Yes.

In what situation was he there for some time?—He was a sort of prisoner at large, he was not confined, only that he must not go out of the garrison gate.

Do you know why he was kept a prisoner at large?—No, Sir, only as I heard, and that will not do.

Had he any irons on him?——No, Sir.

Did he do any duty as a soldier?——No, Sir, or else he could not be a prisoner.

How long had he been so confined?—I cannot tell rightly, Sir, when he left Cape Coast, I was there about three weeks, he was there before me.

You mentioned I think the particular time of the morning of the day when he went out of the fort to go to the Black Town, at what time of the morning was it that he went out of the fort?—On Saturday morning, between six and seven.

And the sentinel let him pass?—Yes.

In consequence of the sentinel's letting him pass, he being a prisoner at large, Captain Mackenzie sent for the sentry?—Yes.

He afterwards had a pass made out to you and two other persons to go in search for Murray Mackenzie?——Yes.

At what time was this pass made out?—About a quarter after seven.

Tell the Court and Jury where the black man's house is, where he went to drink bran-

ay, as he said in his dying speech?—His name is Peter; I cannot tell you how far it is from the fort, it is not half a quarter of a mile.

Did you go immediately in search of him?—Yes the centry was a flogging when I went away.

When you went in search of him, was you obliged to pass by this black man's house?——Very near it, but we did not know he went there then.

It was very customary for the soldiers to go there and get drunk, it was a kind of a public house?——No, Sir, no such thing.

How far was the Black Town that was fired upon from the fort?——Close to the fort, or very near.

Did you enquire after Murray Mackenzie when you went to the Black Town?—As we went down through the town along to Cape Coast, if we met anybody we enquired; we asked one, and he said he had not seen a white man since he left Cape Coast, we went to Cape Coast, we were afraid of going further, for fear of being taken prisoners by the Dutch.

You said the deceased acted as Adjutant?——Yes, when he did act at all; he was Governor of Cormontee, he was one of the convicts, but was made a serjeant.

Who appointed him to the place of serjeant, who was the commanding officer at Morea?——Captain Mackenzie, he broke our serjeants and corporals, and made these serjeants and corporals over our heads, I had never done any thing in my life, that was very hard, I was only a private; Murray Mackenzie used to exercise us at Cape Coast once or twice before.

What had Mackenzie been convicted of?——I cannot say.

Court. That is nothing of one side or the other.

Did you ever hear any converfation between the deceased Murray Mackenzie and any of the other soldiers in the garrison?—I never did no otherwise than this, I was in a room that had a great hole in it, he being a gentleman, he thought himself above me, so if anybody came to him, I used to walk out and leave them to talk to themselves; a day or two after this man was shot, Captain Mackenzie came below, off from the battlements, there was a good many men of us below in the yard, he says, well, my men, if I had not done this, what I have done, you and all of us would have been dead long enough before this.

Mr. Adam. How many black men were there about at this time?——Plenty of men and women, a vast many, there is no counting them, it is impossible; there was no white men in the fort at the time the man was shot, that I saw or ever heard of, but Lieutenant Massie, and Captain Mackenzie, and the soldiers; and Lieutenant Massie died the next day.

Do you happen to know what his disease was?——No, he always used to be a mighty man for playing the flute, he was always at that from morning to night.

How long did you reside on the coast altogether?——About eighteen or nineteen months to the best of my knowledge.

What is the size of the Fort of Morea?—I cannot tell you how far it is round, I never measured it, it mounts about twenty guns, it is bigger than this place here, a good deal bigger than this place, about once and a half, or it may be twice, it is a very large place.

How many soldiers were there in this place when this man was shot?——About thirty who saw this affair done.

Jones called in again. Do you know Jones?

Jones. I know him perfectly well.

To Mortimer. Did you ever see that man on the coast of Africa?——Not to my knowledge, I might see him, but not to my knowledge, I never saw him in Fort Morea to my knowledge.

How many black men were there in Fort Morea the morning of this execution?——I do not know, I said about two, or three, or four, inside the fort, the outside gate is nothing at all, because there is a little bit of a place, a draw-bridge it has been, there might

might be a good many black people I believe there.

Is it within any pales?—It is, but there is a little bolt to that gate, and then there are bars and bolts to the other great gates, there is about five ſteps to come into the place to the beſt of my knowledge.

Court to Jones. Where did you and the blacks ſtand at the time this man was blown away?——The inſide of the outer gate. I was in the entrance of the fort.

Mortimer. I will take my oath if he was there, that no man in the world could ſee any thing of the affair, becauſe there is all the garriſon all upon you, that you cannot without you come in ten or a dozen ſteps, or twenty ſteps; if he was inſide the ſecond gate, I am ſure he could not ſee any thing.

Court to Jones. Where was you?—I was in through two gateways.

Mr. Baron Hotham. That is the firſt time you have ſaid that, Mr. Jones.——I never was aſked before.

Mortimer. I am ſure he could not, without he came through three more doors, then he muſt go up twenty ſteps to come into the battlements, for you could not ſee in the yard; he could ſee if he came inſide the firſt gate, becauſe there it is all clear, and there is a draw-bridge, and you can loll upon the rail, and ſee the man tied to the gun, if he was only through the firſt little gate he might, but if he was through two, it is impoſſible for any body to ſee; if he ſtood through the firſt little gate, he might ſee him, and there might be ſome people there.

Mr. Silveſter. Could he ſee the houſe of the fort?——No, Sir, he could not ſee the hall, but there is a corner runs out, he might ſee the man there.

Could he ſee people walking backwards and forwards?——He might through one of the gun holes, if he was in the firſt gate, but not if he was in the ſecond; if he was through two gates he could not ſee any thing.

Mr. Adam to Mortimer. Were thoſe thirty or thirty-five that you mentioned, ſoldiers of Captain Mackenzie's company?—There were ſome of all ſorts, ſome from the Savoy, ſome from the hulks, and ſome volunteers; I never wronged or robbed a man of a halfpenny in my life, but there is two come home now that you might find out, two old offenders; they were all made alike when we got there.

Mr. Wilſon. What garriſon was there at Cape Coaſt Caſtle?——They have two and forty pounders now there, and eighteens: I cannot tell how many men there were in the garriſon, I cannot form any judgment on the ſubject.

What number of officers were there?—There was a good many officers there, but without officers and the doctors, and one thing or another, there might be about fifteen or near twenty.

Could there have been any danger or difficulty in keeping a man priſoner in Morea Caſtle?——When this man was ſhot, there were two men in the ſlave hole, but there was room for more than that, there was the men that let this man out of the garriſon, that was Brooks and Thomas Maples, one of theſe men that is come home now.

Mr. Adam. What ſort of place is the ſlave hole?——A place with iron bars, and a good ſtrong door, they might put on a ſentry, but if they did not it would be ſafe enough; in Cape Coaſt caſtle which was larger, you might keep a man any where.

Court. How many laſhes had Brooks that morning?——It was computed, but nobody could count them, that he had fifteen hundred at once.

Might not the priſoner have ſent the deceaſed to priſon at Cape Coaſt?——Yes.

Were there officers enough at Cape Coaſt to have held a Court Martial?——I do not know whether the Company could have done that, there was no King's officers there, but he might have been confined at the ſlave hole, or ſent to Cape Coaſt, and a white man to take care of him to guard him.

Mr. Silveſter. How is the ſlave hole ſaſ-

toned?—There is one door when you are in, that shuts after you, then there is another door that has a common lock and key, then the other door has an iron bar, and padlock.

How many convicts had you at that time?——A good many.

There was no strong gaol?—There were iron bars across, as thick as your three fingers, on the outside door; there was a great iron bar came across and a padlock, the other had a padlock and staple, I do not doubt, but a person might open it, if they chose it on the outside.

Court. Those that were inside could not have opened the padlock?——No, we had between thirty and forty in all.

The greatest part of them were convicts?——There might be two convicts for one volunteer, I will not be sure.

Mr. Silvester to Jones. When you was on the coast, you, I suppose, made some inquiry about the matter; you heard, did not you, of the fort being delivered up by the Dutch?—I did, by some of the natives; I was not there at the time present.

Did not you hear, they meant to murder Captain Mackenzie?——I will tell you something about that, as I have already spoken, I am able to speak again, I did hear that.

Mr. Silvester. What do you know of any conspiracy?—I never heard, so help me God, only since I have been in England.

Mr. Silvester to Jones. At the time the man was flogged for letting Murray escape, was there any discovery made at that time?——A little after, before the man was executed, and after this man received his punishment.

What was the discovery?——I heard it by the natives, that Captain Mackenzie——

Mr. Attorney General. When did you hear it, and from whom?——I heard it the morning following, or in the course of two or three mornings after I was on board, a native told me.

Court. We certainly cannot hear any of this hearsay conversation, because you have Brooks here himself.

JOB COOPER *sworn.*

Prisoner. I wish Mortimer may retire till he is wanted again, as I may have some questions to ask.

Examined by Mr. Fielding.

Was you under the command of Captain Mackenzie, at fort Morea, on the coast of Africa?——Yes.

You remember the morning of the execution of Murray Mackenzie?—I do, I saw him brought and delivered to Captain Mackenzie.

How many blacks might accompany him?—About three hundred, there were a great number.

Did they get to the inside fort or only beyond the outward gate?——Beyond the outward gate, between the trees and the gate.

Where was it that Murray Mackenzie was delivered to the hands of the parties that went for him?——I did not see him.

Did you see Captain Mackenzie, when Murray Mackenzie first came within the inside gate?——I did not.

Where did you see Captain Mackenzie and the deceased first together?——Upon the battlements, the deceased was in a red coat then, and Captain Mackenzie ordered him to be tied up, and he begged leave for some time to say his prayers, and I was the man, that went and fetched a prayer book for him.

Court. Did he read himself, or did any body read to him?——Another man read to him.

Mr. Fielding. How long was he allowed to go through this ceremony?——About twenty minutes.

What followed?——Captain Mackenzie made a signal for the man to fire the gun, one John Plunkett fired the gun, he was standing in the hall door upon the steps, I saw the man tied up at the muzzle of the gun, I did not assist in helping him; I was between the hall door and the gun, where he was fired away from; I was not employed in any thing, I saw the carcase after it was shot away, I helped to gather it up,

the

the legs and head were left, but the middle part of the body was tore to pieces.

Mr. Silveſter. Then the Captain at the time the gun was fired ſtood at the hall door?——Yes, upon the upper ſteps.

How far was that from the cannon?——Further than from you to me, I knew the man that was ſhot, I was very little in his company, I was not under his command.

Had you given any information to Captain Mackenzie of any tranſactions, or any plan formed by Mackenzie and the other convicts?——I did, Sir, in the garden I heard it, it was a couple of days before this affair happened; I was come out of the garden, it was a very hot day, I laid myſelf down on a mat, I was very ſick and poorly, and I heard Murray Mackenzie come out of his room door, and he ſaid *now is the time, let us do him out and out.*

Who was he then talking to?—He was talking to one ſerjeant Andrews, that was with him.

Was Andrews a convict?—Yes, I heard no more that I can recollect.

What did you underſtand by that?——I cannot tell what they meant by that, they had an expreſſion by doing out and out, they meant killing, but I was very uneaſy about it, I thought it my duty to tell the Captain.

What was the ſituation of the fort at that time, how many convicts and how many volunteers?——The greateſt number was the convicts, I cannot tell the number.

Do you know of your own knowledge of Murray Mackenzie having ſent his property to the Dutch fort?——I ſaw him ſend a bundle of clothes out of the fort by black men, I did not know where it was ſent to.

Had you heard of any other plan?—No, not that I can recollect, I heard ſeveral threatening words amongſt them, but I cannot recollect them, threatening words of doing us out and out, if we ſaid any thing, or any thing of that.

What do you mean?——To any one that offended them.

When you told the Captain of this converſation that you had overheard, did not you tell it him as if it applied to himſelf, as if they meant to deſtroy him?——I did, and I ſaid, Sir, I hope you will ſend us away, for I ſhould be very loth to have any misfortune happen amongſt us.

Was there any expectations of the Dutch, or did you expect any mutiny?——I cannot ſay I ever did, I was always ſick, and had the fever, I worked in the garden, I never took any notice of any body ſcarce.

Was there any danger, either of a mutiny or deſertion?——There was a great many of them deſerted, both convicts and volunteers.

If this man and others had deſerted, would not the fort have been in danger?—It certainly would, had it been an enemy's fort, but it was peaceable times, and we were pretty well united together.

Mr. Attorney General. Was not you examined on this buſineſs, with reſpect to what you knew as to this accuſation of Captain Mackenzie?——Yes.

Did you mention any one word of what you heard, at the time you was examined?—I never did mention it, becauſe I never was aſked.

Why did not you tell what you have now told, to the gentleman that examined you, for I never heard one word of it before?—I ſpeak nothing but the truth, I never was aſked that queſtion, I did not think of it at that time.

Had you forgot it?—I did not think there ever would be any more about it.

Why did not you ſpeak of it at that time?—I did not think of it at that time.

Had you forgot it?—No, I had not forgot it, but it was not in my thoughts.

Mr. Silveſter. Was you ever aſked the queſtion before I aſked it you?—We were examined at Cape Coaſt, and here.

Mr. Attorney General. And in neither of thoſe examinations, you did not mention one ſingle word of this converſation?—No, Sir, I did not.

What was your reaſon for not telling that as well as the reſt?—I do not know, I did not recollect it at that time.

When

When did you firſt recollect it?—I have conſidered of it, and peruſed it over ſince.

When was the firſt time after you had peruſed this in your mind, you told it to any body?---I cannot recollect the time.

Two or three days ago?---A long while ago.

Who have you mentioned it to?---I mentioned it to nobody, I told Mr. Monro of it ſeveral times, but I did not think it was material to mention.

PHILIP BROOKS *ſworn.*

Examined by Mr. Lee.

I was ſentinel at the gate of this Fort of Morea in Africa, I let Murray Mackenzie go out of the fort to ſpeak to a black man, to get him half a gallon of brandy.

Did he return the ſame day?——No, he never returned till he was brought back.

Did he promiſe you to return the ſame day?—He ſaid nothing to me, I ſaid to him, make you haſte in again, before Captain Mackenzie gets up; I was a priſoner when he was brought back, for letting him out of the fort; the Captain fired two ſix pounders upon the black people, I heard the gun fire, but I was in priſon, I ſaw no more.

What puniſhment had you?——It was computed by the men, that I got near fifteen hundred laſhes, I was tied up at ſeven bells, and was there till our bell ſtruck one, this was after I heard the guns fired at the Port.

This was before the death of Mackenzie?——Mackenzie was brought in the morning after, about ſix o clock, I was flogged the morning I let Mackenzie out.

Mr. Adam. You was ſentinel at the gate on the Saturday morning?—Yes.

At the time you let Murray Mackenzie out, did not you know he was a priſoner at large?—Yes, I knew he was, but I did not think he would run away, becauſe if he did, I expected to be puniſhed.

Did you ever hear any converſation among the ſoldiers about Captain Mackenzie?—I was not in the fort when he was confined, I was on board the brig, I never heard any thing at all, only what Thomas Mapley and me had a great deal of converſation together about.

Court. Did you hear any thing before Murray Mackenzie was ſhot?—No.

Mr. Adam. Did you follow the deceaſed after you let him out of the gate?—Yes, I gave another man my firelock, I took off the bayonet; ſays I, take hold of my firelock, Murray has run away, I could not find him, he went into the Black Town, and there he concealed himſelf.

Do you remember any paper that was ſigned by the ſoldiers, at any time relative to the execution of Murray Mackenzie?—Never at that time, there was a paper ſigned after Captain Mackenzie was taken priſoner, but what was in it I do not know.

Court. You received fifteen hundred laſhes; did not you at that time ſay you knew there was a conſpiracy to ſeize the Captain?—Never, but afterwards Captain Mackenzie aſked me the reaſon I let this man out, whether I had any bribe for it? I told him no, Sir; there was one *Farthing Tyde*, a little fellow, and Captain Mackenzie went to ſee this fellow, after Murray was dead.

But before he was ſhot?—I heard the convicts ſay, who were in a cluſter together, *now is the time, let us huſtle him, now is the time, let us do him.*

How long was this before Mackenzie was ſhot?——I cannot tell, it might be three weeks or a month before.

Did you tell the Captain of it before ſuch time as Mackenzie was ſhot?—No.

Did you tell any thing of this converſation which you heard three weeks before Mackenzie was ſhot?—I never ſaid, nor ever thought any thing about it.

When did you firſt diſcloſe this converſation?—This was after Mackenzie was ſhot, I did not tell him of it before.

Mr. Lee. When did you firſt tell the priſoner at the bar after this?—Some time after the death of Murray Mackenzie.

You

You never mentioned a word of it to the prisoner at the bar before?—No.

How long after his death?——About a month.

Did you ever mention it to any other man in the world, till long after the death of Murray Mackenzie?—No I did not.

Never at all?—No, I did not.

Was ever Captain Mackenzie disobeyed by the garrison in any orders he gave?—Never that I saw, they all obeyed him very well, though to be sure there were bad men among them.

Suppose Captain Mackenzie had ordered this man to be carried any where else, would there have been any difficulty?—I cannot tell what others would have done.

Mr. Adam. When you pursued the deceased, was your firelock loaded?—No, it was not, if it had I cannot swear whether I should have shot him or no, but I would have shot very near him if I could, I should have thought myself justified in so doing.

And you had a right to shoot at him as a deserter?—Yes.

Mr. Justice Willes. What without orders, that is new martial law.

Mr. Adam. Were there any officers in the garrison at that time, besides Captain Mackenzie?—Yes, there were officers belonging to the marines at this time, one Massey, he was very sick, there was no officer in the garrison besides Captain Mackenzie.

Mr. Alderman Watson. Pray tell me Brooks, when you heard this conversation amongst the group of convicts, "let us hustle him," was Murray Mackenzie amongst them?—He was to be sure.

Mr Attorney General to Cooper. Has any body called on you since you came to town here to give evidence?—No, I went to the public-house with some gentleman, I do not know who he was, there was me and my comrade, one Reeves, went with the gentleman to the public-house to drink.

What did he want with you?—We went to drink.

How long ago?—It was the day before yesterday.

Where did this gentleman find you?—I was at the White Horse.

You came up as a witness here against Captain Mackenzie, you was brought up by this Gentleman, Mr. White?—Yes.

Who was the Gentleman that called on you?

Mr. Silvester. I object to this?——I do not know his name, I have seen him backwards and forwards.

Mr. Attorney. Who did you meet with there?—Some Gentlemen I do not know, I went along with Coupland and Maples, and another Gentleman, they were at the White Horse with us, there was Mr. Monro.

Was that the time that you told them?——Yes, I did tell them, they asked me if I remembered it.

Oh! they did ask you?——Yes.

Mr. Silvester. You told Mr. Monro on the Coast?——Yes.

Court to Prisoner. Your council, except in point of law, are not allowed to speak for you, therefore now is the time for you to make your defence.

Prisoner. My Lords, I leave my defence intirely in the hands of my Council.

DANIEL MONRO *sworn.*

Examined by Mr. Silvester.

You have been at Cape Coast Castle I think?——Yes.

Do you know the Fort of Morea?—Yes.

Will you describe the kind of Fort?——Yes, Sir, I had the charge of it for upwards of seven weeks under Captain Mackenzie, there is a gate before you enter the main Fort, with a wooden bridge between this gate and the main Fort, when you go over the bridge, there is an arch goes into the yard, then there is a turning that goes up upon the battlements, and as near as I can remember, or guess, the garrison is about, but not quite, a hundred yards square.

Court. It does not rest upon Jones's evidence.

Mr. Silvester. Then we will not go into that.

Was you there ſoon after, or at the time the man was executed?—It was ſome time after.

Had you any converſation with a man of the name of Job Cooper?——I had, I was ſitting upon a gun looking over the wall, Job Cooper came to me.

Court. How ſoon after Mackenzie's execution was you at Morea?——It might be three, four, or five months, I cannot be ſure, Cooper came to me; Sir, ſays he, do you know what gun you are ſitting upon, No, ſays I, Cooper, what gun is it? Says he, this is the gun that Murray Mackenzie was executed from; ſo I ſays to him, well Cooper, what is that to me; I will be glad if you will tell me whether you think he deſerved it? Yes, deſerved it, yes he did, ſays he, and it is a pity he ſhould have lived ſo long as he has done, for if he had not been made an example of, what would have become of his Majeſty's Fort, and all that was in it; I ſaid, well Cooper, proceed, what did you hear? ſays he, I was laying down at the Serjeant's door upon a mat, and I heard Serjeant Murray, and Serjeant Andrews ſay, damn him, I have a brace of piſtols that will do for him; and if they will not do for him ſays the other, I have got a ſword.

I believe Andrews is dead ſince?—Yes, I ſaw him buried, ſays Cooper, I was frightened at the words, and I went and acquainted the Captain with it, and Captain Mackenzie, out of bodily fear, walked all night on the ramparts with a piſtol in his hand; the firſt time I ever ſaw Murray Mackenzie in diſgrace, was for deſerting, I ſaw him twice taken up for a deſerter.

Had the deceaſed Murray Mackenzie made any declarations in your preſence, concerning the priſoner?——Yes, when Governor Myles ordered him in irons at Cape Coaſt, that was five or ſix months before I was told he was executed.

Was Captain Mackenzie then commanding officer?—Yes, Governor Myles was Governor of Cape Coaſt Caſtle of the company's fort, Governor Myles and Governor Reeves were walking along the ſide of the garriſon, and Murray Mackenzie was walking on the other ſide, and Governor Myles called to him, and aſked him what he was doing there, what he wanted there; Murray made little reply, then the Governor ſent Corporal Reynolds, a militia man, to put him in irons, I ſaw him in irons, and I ſays to him, Murray, what in the name of God have you been about? ſays he, by God if Captain Mackenzie does not ſee me righted, I will have his life; he was diſcharged that evening.

Did you acquaint Captain Mackenzie that his life was threatened?——I had very little acquaintance with Captain Mackenzie then, I hardly ſpoke to him; when Murray deſerted the ſecond time, I ſaw three privates and a corporal take him by force out of Job Garden's houſe in the Black-Town; Captain Mackenzie then ſent word by the Corporal, that if ever he went into that town again, he would hang him like a raſcal as he was.

You know the ſlave hole at Morea Caſtle?——When I was there, it was a common deal wooden door, and a common padlock; any of the convicts that were there could open it with a nail; I have ſeen them do it, there was no other place of confinement there.

Were there any officers there?——There was not a king's officer that I knew on the coaſt, and there was only one Gentleman at Morea, one Lieutenant Maſſey, and he died that morning when I was there, there were twenty-one ſoldiers, freemen and convicts together.

Do you know the proportion between them?——I believe there were five or ſix freemen, and the reſt convicts.

Mr. Attorney General. Where was you at the time of the execution?——I was at Cape Coaſt.

Mr. Silveſter. How ſoon after might you go to Morea Fort?——About ſix or ſeven months, or thereabouts.

Mr. Attorney General. Call Job Cooper before this witneſs goes.

Mr. Attorney General. Are not you the gentleman that took Cooper to a public houſe?

house?—I saw him there, I happened to go there to meet Maples and Coupland, they were in one room, and Cooper and the rest of the men were in another room.

Did not you ask him then, whether he recollected this conversation that passed between you and him?—I believe I did speak something of it, perhaps I did, that is about two days ago.

Do you mean to swear, that Cooper at that time told you that he heard him say he had got a brace of pistols, and if that would not do, the other had a sword?——I swear he did say so then, and I did not ask him the question two days ago, but I asked him if he remembered what he said at Morea, says he, I will tell you that when I come into Court.

Did not he tell you at the tine what you have now told, did he tell you any of the particulars?—He did not, he had not time, because I was in a hurry, I could not stop to speak to him.

Did not you go to examine him on the part of Captain Mackenzie, to know what he could say?——I did not indeed, I went to look for Maples and Coupland, they were Captain Mackenzie's witnesses, and Cooper came and shook hands with me, and I said to him, do not you remember what passed at Morea; then I went back to the parlour, and we had some punch, Coupland, Maples, and us, there was no attorney with me.

Did nobody examine Cooper?——Not in the public house.

Was he examined any where else by this attorney?—I did not employ any attorney, nor I did not ask Cooper to go to any attorney, I saw him at Mr. Dagge's house. He said he would stand true to what he knew, I do not know what he said to Mr. Dagge.

Did not you remind him of it yourself?——I believe I did.

What did he say?—He told Mr. Dagge, as far as I can understand or remember, hat he would tell every thing he knew, he aid he would remember as far as he could, and tell every word, he said no more; the question about the sword and the pistol was mentioned to him, but I did not hear his answer.

Cross-examined by Mr. Silvester.

What are you?——A private trader to the coast of Africa when I am there.

Job Cooper called up again.

Mr. Lee. Now Cooper, the question I ask you is this, you know Mr. Monro, as you said: what was it you said to Mr. Monro that you overheard?—The words were these, Sir, I told him I was lying on a mat, and I came out of the door into the arch-way, and I heard him say these words, *now is the time, I will do him out and out.*

Did you ever say to him, that Murray said, damn him, I have a brace of pistols, and that Andrews said, if they will not do for him, I have a sword?——No, Sir, I never said such a word to Mr. Monro; to the best of my remembrance I never did.

Did you ever hear any such words delivered while you was at Morea?—Not about the pistols I did not, but I heard him say, *damn him, I will do him out and out.*

Did you ever hear Andrews say to Murray, or Murray to Andrews, I have a brace of pistols, and if they will not do for him, I have a sword, or any thing like that?—To the best of my knowledge I did not.

Then you could not tell him that you had heard them?—I never did tell him so, nor ever heard such words to the best of my knowledge.

It is but two days ago that you met him at this White Horse; had you any conversation there relative to these words, or any of them?——He said to me, do you remember what you said to me at Fort Morea; I said, yes, I do, vastly well.

But he says, you told him at Fort Morea, that Murray said, I have a brace of pistols, and if they will not do for him, I have a sword?——I do not recollect ever saying any thing about them.

Are not you quite sure that you never heard

heard any such thing?—I never heard any such thing about the pistols, but I heard the other words.

Mr. Silvester. Did you see Mr. Monro at Morea Fort?——Yes.

Do you mean to say that you remember every thing that was said?——My memory is really so bad, I have had the fever in my head; what I told him then was truth, but it is so long since, that I cannot recollect, as my memory is so bad, but I could have told him then.

Mr. Silvester to Monro. Did these words pass at Morea that you have mentioned?—They did, upon the oath I have taken before God.

SERJEANT COUPLAND *sworn.*

Mr. Adam. You served at Fort Morea?——I did.

Did you know the deceased Murray Mackenzie?——I did.

Did you embark on board a ship at Portsmouth and elsewhere?——Yes.

Was you privy to any conspiracy formed by Murray?——I was not.

Was you at Fort Morea at the time Murray escaped?——I was, I was sent out after him to bring him back; I searched for him in Black Town, and there I could not find him.

Do you know the situation of the fort at that time, with respect to the number of men?——Some were well, and some were sick.

Had you overheard any conversation that tended to mutiny, or any thing else?—I did not.

Do you know any attempt of Murray Mackenzie of your own knowledge, or otherwise, against the life of the prisoner?—I heard of it after the execution.

Mr. Silvester. What was the opinion of the garrison with respect to the conduct of Captain Mackenzie?—They all approved of Captain Mackenzie's conduct in shooting the deceased.

How do you know that?—Because they signed a paper. *(The paper shewn him.)* There is my name at the top, it is my own hand writing, it was signed just before Captain Mackenzie went on board the Rotterdam; I was not there when it was signed.

Court. It can be of no evidence.

Was he in custody then?——He was.

Alderman Watson. When was Murray dismissed from his employment of Adjutant?——Before his deserting, he never acted afterwards.

Court. You see at this time he was under a sort of an arrest, he was a prisoner at large.

Prisoner. After his first desertion he was sent to Fort Cormantine, but he deserted three times in the whole.

THOMAS MAPLES *sworn.*

Examined by Mr. Silvester.

I was Adjutant at Fort Morea, I knew Murray Mackenzie, I lived in the same room with Serjeant Murray, and he wished many times to desert and go to the mines, and wanted me and most of the people to go with him; the mines is a Dutch fort: he frequently asked me to go with him, he said there was a gentleman at Cape Coast that would give us an exceeding good character, and I should go there as a writer.

Court. How long was this before his being shot?——It was before his second desertion.

Did you hear him make any declarations when he was a prisoner at large?——Yes, after he deserted from Cormantine, he came up to Cape Coast, Captain Mackenzie frequently told him to go back to his fort, he would not, he had lodgings in Cape Coast Town, and I went several times to tell him to go down to Morea, he would not go; Captain Mackenzie ordered me and four men to take him down a prisoner, I took him down, and I heard him say he would destroy the prisoner at the bar, he said so at Morea, in the same room I lived in.

How long was this declaration before he was shot?——Two or three days.

Had he made any other declaration in regard

gard of delivering up the fort or any thing? ——He wanted every man to desert out of the fort.

Did he say he wished or meant to destroy him?—He has frequently said he would destroy Captain Mackenzie if he could conveniently.

What other declarations did you hear him make; had he made any propositions to go to the Dutch settlement?——Yes, Sir, he had, he had taken all his clothes out of his chest, and given them to the black man that came in and out of the fort, he was to take them to a Dutch settlement; I have heard him apply to Andrews who is dead, and many a time he has desired me to acquaint the men, to let them know that he wished to go, and he would do something for them there.

Mr. Attorney General. How did you go there?——As a soldier in the Mackarel transport; I was sent there one of the convicts.

How long after you had heard this attempt to get away, and this conversation, was it you told Captain Mackenzie?—A short time.

You did not acquaint Captain Mackenzie with it before the execution?——No.

How came you not to do that?—I persuaded this Murray not to desert, I begged of him not; I never acquainted Captain Mackenzie of it till after his execution.

You had once carried him down a prisoner?——Yes.

Could not you have carried him a prisoner to Cape Coast Castle that day, and delivered him up, if necessary?——I could have gone with him.

Mr. Silvester. Was any application made to you, or the rest of the Serjeants and the soldiers, about their opinion of the matter at the time?——Not that I recollect.

Court. You say he had sent all his clothes into Black Town, how do you know that?——Perfectly well, being in the same room with him; he sent all his clothes.

Then how came his regimentals to be left in his room immediately before his execution?

Mr. Attorney General. Was it his own coat or another man's coat he was shot in?—I was below, I was confined in the slave hole; I believe Captain Mackenzie thought I was going to desert; Murray Mackenzie went off the next morning.

Prisoner. I believe I can explain that in one word, the blacks who carried off Murray Mackenzie's clothes, and the other clothes, came and gave me the information of the mutiny and desertion, and if it had not been for that, I should not have been here to day.

GENERAL TOWNSEND *sworn.*

Mr. Silvester. How long have you known Captain Mackenzie, Sir?—About eight or nine months before he embarked for Africa, his character whilst under my command was very unexceptionable.

Court. Was he in the same regiment?—No, the company was raised a volunteer company by Captain Mackenzie, I drafted privates from his company, and incorporated them with other corps, his company was chiefly made out of those convicts, owing to the necessity of the service, and also another company; the ship remained in the river for some time, and he made me constant reports of the manner of his command, which were very much to my satisfaction; I have every reason to think he behaved himself very well on board, it was a very desperate crew as ever any man had to deal with.

CAPTAIN LANE *sworn.*

I have known Captain Mackenzie between six and eight months, he was under my immediate command at Chatham barracks, he was sent down by General Townsend's order to me, to be under my command, where he remained for six months; four months after that, I established that company, during which time he behaved perfectly well and satisfactorily to me, and doing his duty as an officer.

Were you on board this ſhip?——I was repeatedly, I ſaw his conduct there, I ſent him ſome powder and ball, in order to keep peace on board the ſhip.

Court. Was it not a very deſperate crew?——It was the opinion of every one of the officers, that there never was a more deſperate ſet of men: I often mentioned that to General Townſhend, that it was my opinion, they would not let Captain Mackenzie go to Africa, General Townſhend ordered a ſufficient number to complete the company that were to be embarked.

Mr. Silveſter. My Lord, after the evidence of General Townſhend and Captain Lane, I ſhall not trouble your Lordſhip with any more witneſſes.

Court. Gentlemen of the Jury, Kenith Mackenzie, Eſq; is indicted, for that he on the 4th of Auguſt, 1783, at Fort Morea, on the coaſt of Africa, in parts beyond the ſeas without England, feloniouſly made an aſſault on Kenith Murray Mackenzie, and by fixing him to the mouth of a cannon, was the cauſe of his death:—by the act of parliament of the 33d of Henry the Eighth, a power is given to try this offence by ſpecial Commiſſion: Gentlemen, in ſumming up the evidence to you, I ſhall omit the teſtimony of John Jones the firſt witneſs, for this reaſon, becauſe his evidence is excepted to on ſeveral particulars, and becauſe I did not admit them to prove he was not in in the fort, and becauſe the fact of ſhooting is proved beyond a doubt, by the reſt of the witneſſes; I ſhall begin with the evidence of the other witneſſes, the firſt is John Mortimer *(Here the learned Judge ſummed up the evidence on both ſides, and then added)* I think it is highly probable, that the account of Job Cooper, which he gave to the Captain two days before the fact was done, is true——

Priſoner. My Lord, there are two of the evidences againſt me, I think it was the 4th of September laſt, they came up from Portſmouth as they told me; they came into Newgate, into the room where I was, and frightened me, or attempted to frighten me, and bully me, and told me if I did not give them a hundred pounds apiece, there was Cooper for one, and Mortimer for another, I wiſh to tell what was really the caſe, at that time there was no perſon in the priſon, that I could immediately get to hear them; I was perfectly unhappy in my own mind, but upon going to my fellow priſoner, he ſays, good God, Captain Mackenzie, what wretches were thoſe that have been with you? he ſays, Almighty God! what people or evidences muſt they be, thus to expreſs themſelves; the words of Mortimer to me were, might he be damned, and might God damn him, if he did not hang me unleſs I gave him a hundred pounds: there is a gentleman preſent, a fellow priſoner, a man that was rather unfortunate, in falling into a matter of ſmall conſequence, which was attempting to go to France, to acquire a better fortune than he could in his own country, he overheard it; and another gentleman who happened to call in, one Mr. Philpot ſaw the men, and can ſwear to them; and in a word, it would be a ſatisfaction to this Court and the Jury, that thoſe two gentlemen ſhould be examined, they are both here.

Mr. Attorney General. Who are theſe witneſſes?

Priſoner. One of the Gentlemen is a clerk in the ſick and hurt office, I had not the moſt diſtant idea that my trial was cloſing, or I ſhould have mentioned it before.

Court. The moſt material evidence for you is Cooper.

HUMPHRY BUSTLE *ſworn.*

I am clerk in the ſick and wounded office, I have frequently viſited Captain Mackenzie the priſoner at the bar, and another perſon confined in Newgate, for two or three months paſt; one evening in particular, the beginning of Auguſt, as I was ſitting with Captain Mackenzie and Mr. Philpot, the ſervant came in and informed him, two perſons wanted to ſpeak to him, Mr. Philpot went out after Captain Mackenzie, in a little while after I went into the yard, to which the priſoners confined to the rooms in which Captain Mackenzie was have acceſs; I had taken a few turns

in the yard and the Captain came out with men who ſoon parted with him; I perceived the priſoner rather agitated, I aſked him the reaſon.

What had you heard theſe two men ſay to the priſoner?——I did not hear them ſay any thing, I heard a noiſe as I was paſſing the Captain's window.

Priſoner. Mr. Philpot was the witneſs that heard them, this gentleman only can identify the people.

Mr. Silveſter. Can you identify the people?——I cannot ſay I can, I do not recollect the perſons of either of them.

FRANCIS PHILPOT *ſworn.*

Mr. Silveſter. Was you preſent with Mr. Mackenzie at any time when two men came to him?—Yes.

Do you know theſe two men?—I ſhould know one, I believe one was taller than the other, but my ſight is bad.

Look at that man Mortimer?——I believe this man was in yeſterday with Captain Mackenzie.

Jury to Mortimer. Was you the perſon yeſterday?—I will tell you what a Gentleman, Mr. Burke, told me, Captain Mackenzie wanted to ſpeak to me, he gave me his coat to put on, and I went in and ſpoke to him, but nothing more paſſed, ſo help me Jeſus God; I have never received any money, Captain Mackenzie ſays to me, he ſays, Mortimer, ſays he, I want you for one thing, how much money will do for you? ſays I, I ſhall not be off Captain Mackenzie, if you will give me a hundred pounds I will take it, but I will ſpeak the truth afterwards; Mr. Lutwyche took me to him, he lives at No. 14, in New Inn, and he lent me his great coat, I went in with my own cloaths, and put on that to come out.

Priſoner. I beg that Mr. Philpot may explain what words paſſed between that young man and me, I wiſh the truth to appear to this Court in the pureſt light.

Mr. Silveſter. Did you ſee that man with the ſpectacles on?—I do not know, I ſaw him yeſterday, he came in, and we had a pot of beer together, and Captain Mackenzie ſaid to Philpot, Sir, I ſhould like to ſpeak to Mortimer.

Mr. Philpot. Oh fie! fie! fie! he came in, and Captain Mackenzie had his barber a dreſſing his hair; he ſays Mortimer, well, how do they go on at Portſmouth? why, ſays he, I have led a hell of a life amongſt them, they do nothing but abuſe me, they ſay that I was no further than Farnham, I never let them know I came up to London: Captain Mackenzie never mentioned a word about giving him money in September; this man as I believe, I heard this man ſwear, that if he did not give him money, by God he would hang him; one Cooper was with him.

Priſoner. This is truth, or may I never have any exiſtence here, or hereafter.

Mortimer. Here I am, and as I am a ſinner to Almighty God, Sir, here I am; I told him if he gave it me, well and good, I ſaid I would ſpeak the truth; he ſaid he would get it up for me ready, and his brother was the man that came down to Portſmouth, and fetched me up, and an attorney, they made us both drunk, and brought us both here, and I never knew where I was, till they brought me into Newgate.

Mr. Attorney General. Where do you lodge?—At the White Horſe.

JOHN PATTEN *ſworn.*

I went to dreſs Captain Mackenzie's hair yeſterday morning, there was Mr. Philpot and the witneſs Mortimer in the room, this man here; Mr. Mackenzie aſked Mortimer how they went on, he ſaid he led a damned life amongſt them, that they thought he had a ſhare of the money.

Mr. Silveſter. Was any offer made by Captain Mackenzie?—No.

Court. Gentlemen of the Jury, if you believe Mortimer and Cooper, whoſe evidence is not materially impeached——

Priſoner. I beg to interfere, Mr. King and another man is here, and will prove that John Jones was on board a ſhip when he ſwore he was at Fort Morea.

Court.

Court. That is not material, as I do not ſum up his evidence.—You ſee, Gentlemen, Murray Mackenzie was executed by order of the priſoner, in the manner that has been deſcribed; therefore, of the fact of his giving directions for his execution there is no doubt: there will therefore, be two points for your conſideration, how far thoſe orders of Captain Mackenzie for the execution of Murray Mackenzie, can either be juſtified or excuſed; and I can find but two grounds upon which he can put his defence; either this was an execution agreeable to martial law, and therefore that he was juſtified; or that it was an execution neceſſary for his own defence, and for the protection of his Majeſty's fort and garriſon, that were there; as for the firſt part of the defence, I do not ſee it poſſible to juſtify his conduct by martial law, I do not know, that the life of any one can be taken away by martial law, except in the heat of action, but by a Court Martial being held on him; it is ſaid here, that there was no opportunity of holding a Court Martial, and that the ſingle officer was the priſoner, but it is alſo proved, if you ſhould doubt that the ſlaves hole was not ſufficiently ſecure, yet there was a ſufficient priſon at Cape Coaſt, where he might be ſecured, he might have been afterwards tried or ſent home in irons, in order to be duly tried according to martial law; but even ſuppoſing you ſhould think that ſuch a power was lodged in this ſingle officer, that he had a power himſelf to ſentence him, yet in this power he has not obſerved one legal ſtep that he ought to have taken; the man was never ſummoned, nor ſuffered to make any defence; he was immediately tied to the mouth of a cannon, and though we may have heard of ſuch a kind of puniſhment in Aſia, I am afraid it will not be warrantted by any law exiſting in this country; this was a power which he exerciſed without permitting the man to be heard; I ſhould have thought if a Court Martial duly conſtituted had aſſumed ſuch a power, it could not be juſtified, for Court Martials, though their power is greater than other Courts, they never condemn a perſon unheard therefore he cannot juſtify himſelf by the martial law, becauſe he has not obſerved one ſingle requiſite neceſſary to juſtify him, there was no Court Martial; there was a priſon where he might have been kept; therefore, with reſpect to that part of the conduct of the priſoner, it deſerves a ſevere condemnation: the other part of his defence has more probability in it; and that is, that this act of his was neceſſary for his ſelf-defence, and for the protection of his perſon and the ſafety of the garriſon; if you think that is true, it may in ſome degree juſtify the act itſelf; his ſituation is this, a moſt deſperate crew he certainly had, his garriſon conſiſted of twenty-one, and at the time of the execution it conſiſted of more; his crew conſiſted of ſixty deſperate convicts, and five freemen and volunteers; and in the account you have from General Townſend and Captain Lane, they both agree, there never was a more deſperate ſet of fellows, and that it was even thought the priſoner would never be able to compleat the voyage to Africa: that there was a combination amongſt theſe men to do the priſoner, or to do him out and out, is proved by three witneſſes; but then the communication of this fact to the priſoner is only proved by Job Cooper, and he ſays he did give information to Captain Mackenzie, that Andrews and Murray had ſaid, they would do him out and out; and if you believe what Monro ſays, that evidence is carried a little farther; he ſays that Murray Mackenzie ſhould ſay to Andrews, damn him, I have a brace of piſtols that ſhould do him, and that the other ſaid, I have a ſword: this was a kind of alarm, which might have an effect on a man of courage and conſtancy, when he ſaw an intention to take away his life. I will put a caſe, which might have happened ſomething like the preſent: ſuppoſing this Captain, ſailing to the coaſt of Africa, had heard of

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an insurrection amongst the slaves, and one of them, more desperate than the rest, had threatened to take away his life; if he had sent for the man up, and if upon deck he had taken a pistol and shot him, perhaps it would have been thought self-defence; therefore, that is the only ground upon which you can acquit the prisoner. The act itself has the appearance of a very severe punishment, but it is, perhaps, the most easy punishment of death that is possible, as the mortal frame is dissolved in a moment. I have given my opinion in point of law, that this is an act which cannot possibly be justified by martial law, and that the only excuse of the prisoner is, whether you think the act he did was absolutely necessary for his self-defence: if you find him guilty, I am afraid he must be guilty of the murder, you cannot find him guilty of a less crime.

Prisoner. My Lord, and Gentlemen of the Jury———

Court. You must certainly conform yourself to the laws of your country.

Prisoner. I take leave to ask pardon of this Court, it was from a perfect ignorance or I should not have done it.

Court. Gentlemen, you see there were two witnesses proved declarations communicated to the Captain afterwards, that they intended to take away his life, but these were not communicated previous to the execution of Murray Mackenzie.

The Jury retired for near two hours and returned with a verdict,

GUILTY *of the wilful Murder:*

But in consideration of the desperate crew the Captain had to command, we wish to recommend him to his Majesty's mercy.

Edward Reynolds, Esq; Clerk of the Arraigns, then addressed the Prisoner as follows:

Captain Kenith Mackenzie, you stand convicted of wilful murder, what have you to say why this Court should not give you judgment to die according to law?

Proclamation being made, Mr. Recorder passed sentence as follows:

Kenith Mackenzie, you have been, after a trial conducted with the utmost patience and indulgence, convicted of the crime of Wilful murder! a crime of the greatest magnitude that is known to the law! a crime for which the laws of all civilized countries have thought it necessary to inflict the punishment of death: the law of God, as well as the law of man, decides, that whoso wilfully and maliciously sheddeth man's blood, by man shall his blood be shed! You have availed yourself of the authority with which you were invested, as an officer in his Majesty's service, by a new and extraordinary execution, to deprive an unfortunate man of his life; you have done it under circumstances, that clearly can derive no justification from any authority with which you were invested, and the manner of it bears no resemblance to the just exercise of any lawful authority, and the laws of this country have intrusted the power of life in the hands of no one man whatever: you have taken upon yourself to do that, which even your Royal Master could not lawfully have done; for you have, of your ownself, without a trial, and without a hearing, by a violent and hasty order, in a most new and unprecedented manner, hurried an unfortunate wretch into eternity, untried, unheard, and unprepared: the circumstances under which this crime was committed were such, as have not appeared, in the eyes of a very attentive and merciful Jury, sufficient to justify your defence, under the idea of its being a necessary act for the preservation of yourself, and the others under your command; that point has been fully left to your Jury, and they by their verdict have decided upon it; it therefore can only remain for me to pronounce upon you the

sentence of the law. The sentence of the law is, and this Court doth adjudge, that you, Kenith Mackenzie, be hanged by the neck until you are dead, and afterwards your body be dissected and anatomized, according to the statute, and the Lord have mercy upon your soul!

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, Lord Mayor of the City of London; the Right Honourable Alexander Lord Loughborough, Lord Chief Juſtice of his Majeſty's Court of Common Pleas, the Honourable Edward Willes Eſq; one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir George Nares, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir Beaumont Hotham, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable James Adair, Serjeant at Law, Recorder of the ſaid City; John William Rose, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex,

First London Jury.	*Second London Jury.*	*First Middleſex Jury.*	*Second Middleſex Jury.*
James Hanmer	Benjamin Trantham	James Showell	George James Sower
Richard Marſh	William Richardſon	William Robinſon	John Jves
William Hailſtone	Philip Beben	*Thomas Stewart	John Hand
Samuel Piggot	John Bolton	John Hall	Richard Reader
John Bailey	William Dean	Robert Hair	Thomas Preſton
Thomas Whieldon	James Elworth	John Aſtley	Henry Turner
Robert Naſh	Samuel Weſt	James Gibbs	George Lockitt
John Mackenzie	Craiton Hand	John Auſtin	Thomas Dawes
Daniel Stewart	John Waite	† Cor. Vanderſtop	John Alliſon
John Monk	Benjamin Cock	John Bodenham	William Milbourne
Abraham Jackſon	Abra. Deſormeaux	John Allen	James Barber
John Brook	John Deſhous	William Braithwate	John Pool

* William Butt *ſerved ſome time in the room of* Thomas Stewart.
† Timothy Birchmore *ſerved ſome time in the room of* Cornelius Vanderſtop.

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2. JAMES HAMILTON otherwiſe SMITH and MARGARET CHESSER, otherwiſe MARGARET wife of JAMES HAMILTON were indicted for breaking and entering the dwelling houſe of Thomas Reed, between the hours of three and five in the afternoon, on the 12th day of September laſt, one Elizabeth Faulkner,

ner, ſpinſter, then being therein, and feloniouſly ſtealing therein, ſixteen callico ſhirts, value 8l. ſixteen linen ſtocks, value 8s. ſix linen handkerchiefs, value 12s. two ſattin waiſtcoats, value 20s. four cloath coats, value 6l. two ſtriped ſilk waiſtcoats value 20s. two dimity waiſtcoats, value 15s. two pair of black ſattin breeches, value 20s. ſix pair of ſilk ſtockings, value 20s. ten pair of ſilk and cotton ſtockings, value 50s. three table cloths, value 20s. one pair of ſilver ſhoe buckles, value 20s. one pair of ſtone knee buckles, value 20s. one ſilver table ſpoon, value 10s. ſix tea ſpoons, value 12s. the property of the ſaid Thomas Read; one ſilver tea ſpoon, value 2s. two lawn handkerchiefs, value 5s. the property of Mary Langley, widow.

A Second Count for ſtealing the ſame goods in the dwelling houſe of the ſaid Thomas Read.

Mr. Macnally, Council for the Proſecution opened the Caſe.

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, I am Council on behalf of this Proſecution, and I cannot but expreſs my feelings on this occaſion, as it is the firſt time I ever led in a buſineſs of this nature; I muſt however do my duty in ſtating the facts, which I am inſtructed will appear in evidence, and if they do, there will be no doubt of the guilt of one of the priſoners, James Hamilton; it appears by my inſtructions, that Thomas Read is a hair dreſſer, he had diſcharged a maid ſervant, and taken in to do the office of that maid ſervant, a woman named Langley, and in her abſence, ſhe left a woman named Faulkner in the houſe: on the 20th of September, a perſon, whom I am inſtructed will be proved to be the woman priſoner, called at Mr. Read's houſe, and enquired if Mr. Read was at home, being anſwered in the negative, ſhe then enquired whether the former ſervant was in the houſe, ſhe was told no ſuch perſon reſided there; upon which ſhe retired, and ſoon after the priſoner James Hamilton, with another man who has eſcaped, came to the houſe and made ſimilar enquiries after Mr. Read, being informed he was out, they went into the parlour and called for a pen and ink, they then ſeized the girl, tied her, gagged her, and blindfolded her, put a piſtol to her head, and threatened to blow her brains out; they then broke open the eſcritoir, and they robbed the proſecutor of the articles mentioned in the indictment; and alſo robbed the houſe of other articles; they then left the houſe; and it will appear to you in evidence, that the articles taken from the houſe, were found in the poſſeſſion of the priſoner; as to the woman, I have only to ſtate this to you, that ſhe was the firſt perſon that went to the houſe, and that ſhe was afterwards found in company with the perſons, who were taken with the goods upon them: I ſhall not take upon me to ſtate to you the law on the caſe, but will leave that to the Court, in whoſe wiſdom the Conſtitution has repoſed the power of directing the Jury in ſuch caſes. Gentlemen, if theſe facts are made out in evidence, it will be your duty to find the priſoners, or one of them, guilty of the charge in the indictment.

The witneſſes examined apart at the requeſt of the Priſoners.

ELIZABETH FAULKNER *ſworn.*

I know Thomas Read, he lives in St. James's-ſquare, he is a hair dreſſer; on the 12th of September, I was at Mr. Read's, Mrs. Langley was ſervant at that time in the abſence of Mr. Read, and I was a ſervant to her; and Mrs. Langley was gone out, and a woman came and knocked at the door, that was the priſoner at the bar; I opened the door, ſhe aſked me for the ſervant that lately lived there, I told her ſhe was gone away, ſhe then aſked who kept the houſe, I told her it was a gentlewoman, Mr. Read had got to take care of the houſe in his abſence; ſhe then ſaid, we ſhas an acquaintance of the maid's, and was come to drink tea with her; I ſaid, the late ſervant's name was Banniſter, ſhe ſaid, ſhe was an intimate acquaintance of Mr. Read's, then ſhe ſet down; ſhe went to the door, and aſked to go down ſtairs to a convenient

place, I told her it was very dark, and ſhe could not go, then ſhe ſet down a bit, and ſaid again, ſhe was an intimate acquaintance of the maid's, and went away; about ten minutes after ſhe went away, that day, the priſoner James Hamilton came, and another man, I was ſitting at the widow, they aſked if Mr. Read was at home, I told them he was not in town, it was the priſoner that came up to me to the window; I aſked him his meſſage, he ſaid, he could not leave it with me; he aſked for a pen and ink and paper, I immediately opened the door and let them into the parlour, and reached the ink, and was looking for a piece of paper; I ſet the ink on the table, then the priſoner at the bar ſaid to the other, come in Will, and Will came in and ſhut the door; then the priſoner held a piſtol to my face, and he bid me not ſay a word, if I did he would blow my brains out immediately, and Will as he called him, the other perſon, came in and ſhut too the windows, and put up the iron bar.

Court. Did this room look into the ſquare? —Yes, I then begged to go out of the room, they ſaid no, no, and the priſoner pulled me down on the floor; then he blinded me with a handkerchief, and thruſt a large pear into my mouth, and tied the handkerchief over my mouth, and he tied my legs together, and my hands behind me, and ſat upon me, while Will the other man, went out of the room, as I ſuppoſe up ſtairs; there was a dog in the houſe which barked very much, and the priſoner at the bar ſaid take care of the dog, and the other man took the dog and cut his throat directly; I know nothing of what was done up ſtairs, as I was blinded; they then carried me up ſtairs, and laid me on the ſopha, and told me to be ſtill while they were gone away, for they would take the key of the ſtreet door and go away, they ſaid, they were only going to take the things to the coach.

Did you hear them go about the houſe? ——Yes.

What time in the afternoon was this? —At three o'clock when the woman came.

Did they come back again?——No.

How did you get releaſed?——They cut the tape off me three times, with which I was tied, as I ſuppoſe to tie up their bundles with, ſo they looſened one of my hands, there was a table with a green handled knife upon it, and I took the knife and cut the ſtring, the priſoner was dreſſed in a green coat, with a black collar.

Had you ever ſeen him before?——No.

How long might he be with you, before you was blindfolded?——I ſuppoſe he was in the houſe about a quarter of an hour.

Did you take notice of him at that time, to be ſure he was the ſame man?——Yes, Sir, I know him perfectly.

When was he taken up?—I think it was two days after, it was Monday or Tueſday.

Did you know the other man?——No.

How was he dreſſed?—In brown cloaths.

THOMAS SHUTE *ſworn.*

I am a hackney coachman; on the 12th of September, I was going along Pall Mall a quarter before four or thereabout, and the priſoner James Hamilton called coach, I was empty, I turned about, and he told me to croſs the ſtreet, he had a large bundle under his arm, and he ſaid there was another to take up acroſs the ſtreet; another man had the other bundle, I helped with the two bundles into the coach, and they got in and ordered me to Temple-bar; at Charing Croſs they pulled the ſtring, and the gentlewoman at the bar got in, then they ordered me to Temple-bar, they ſtopped there and had a pot of beer, they aſked me to drink; then they ordered me to Berwick-ſtreet.

Court. Where had they beer?—Facing Chancery-lane, they ſtaid there about five minutes, while they got the beer, then they bid me go to Berwick-ſtreet, I ſat them down at the corner of Chapel-ſtreet, and they went there and paid me.

Did the woman go from Charing-croſs to Berwick-ſtreet, and into the houſe? ——Yes, they all three went into the houſe, I left them there with all the things, I carried one bundle and they took the other.

Mr.

Mr. Silveſter, Priſoners Council. You did not know this man before?——No.

Nor the woman?——No.

Did you take ſuch particular notice of your paſſengers to know them again?——I did take ſuch notice of that gentleman and the lady.

Is it uſual for you to take notice of your paſſengers in the day-time?——I never ſaw them afterwards or before.

Court. How was he dreſſed?——This gentleman had a green coat on I recollect.

—Had he a collar to it?——I did not take particular notice of any thing of that ſort.

Was it near the opening of St. James's ſquare into Pall-mall?—Very near, I did not go into the ſquare.

Court to Elizabeth Faulkner. Mr. Read's houſe, I ſuppoſe, is on that ſide of the ſquare which is next to Pall-mall?—Yes.

Has he a door into Pall-mall as well as into the ſquare?——No.

Then any body that comes to that houſe muſt come into the ſquare?—Yes.

Court to Coachman. Did you happen to ſee whether he came from the ſquare?——I did not.

CHARLES JEALOUS *ſworn.*

On the 13th of September I apprehended the priſoner; I believe about ſeven in the evening an information came to the office, we went immediately on hearing it to No. 1, Church-yard-alley, Curſitor-ſtreet; I went and knocked at the door, as ſoon as the door was open I went up ſtairs, I ſaw the priſoner James Hamilton, and two more men, and the woman at the bar; I looked at the priſoner, and told him he muſt go along with me.

Court. Had you information of him?—Yes; the priſoner at that time, with one of the other men was ſitting without his coat, and they had a gooſe for ſupper; he ſays to me, Sir, I hope you will let me pu on my coat; if you pleaſe, Sir, ſays I; ſays he, I ſhall go into the other room, my partner went with him, in a minute I heard a ſcuffle, and I went in directly, and ſaw a piſtol at my partner's head, I immediately turned round; my partner's name is Beamiſh, and he turned round and clapped the piſtol to my head, and pulled the cock, and drew the pan up, upon that I got hold of his hand, and took the piſtol from him, it was loaded, but no prime in it, as luck would have it; he had two piſtols, one in each hand, we got them from him, then he got hold of a hanger.

Court. Where did he get the hanger?—He got it in a moment, he muſt have got it off the bed; we got that from him, and the candles were knocked out, I immediately took the piſtol and cut him over the head, we got him out of that room, and brought him into the other room, and I ſays to my partners, Croſby and one Lebar, good God! what is become of the other man! ſays he, he is gone, ſays I, what did you let him go for? The other man eſcaped; the woman priſoner put the candles out.

Court. What ſort of a coat did the priſoner put on afterwards?—A brown coat.

Did you ſee any other coloured coat he had there?——No; I brought him away immediately as faſt as I could; I did not ſearch for any thing.

Mr. Silveſter. You found no goods there?——No, I had enough to do to take care of him.

Do you know whether theſe people are married or not?——I believe there is a certificate; but I cannot ſay in my own opinion I really think they are.

Court to Elizabeth Faulkner. Was that the ſort of piſtol that the priſoner held to your head?——No, Sir, I think it is not, there was more wood about that piſtol that the priſoner held to me.

Mr. Silveſter to Jealous. Did you ſee the certificate?——Yes.

ROBERT GREGORY *ſworn.*

I went to ſearch the lodgings the ſame evening the priſoner was taken; I have two coats, five pair of ſtockings, a ſilk handkerchief, and a ſpoon.

Court. Where were theſe lodgings?——In Church-yard-alley, ſomewhere near Holborn, near Caſtle-yard.

(A green coat with a black collar produced.)

Court to Falkner. Look at this coat?—This is the coat the prisoner at the bar had on when he came to Mr. Read's house.

Mr. Macnally. Is there any blood on that coat?——I believe there is; I found this blue coat, five pair of stockings, and two silk handkerchiefs.

THOMAS READ *sworn.*

(*Deposes to the blue coat.*)

I know it from the particular buttons and stile of making, if you observe, it is peculiar half lappelled, and the sleeves a size peculiar to myself, neither lady's nor man's size; these are stockings with my mark, T. R. here are five pair, here is a silver salt spoon, the fellow of which I have brought.

Court. Now, upon your oath, what do you take to be the value of those things?—The six pair of stockings cost me six shillings a pair, I think I might say one pound one shilling for them and the coat.

Court. Then you state the whole at a guinea?——I state the whole at a guinea, the six pair of stockings and the coat, the coat cost me three guineas.

Mr. Justice Willes. What do you value your stockings at, and what do you value your coat at?——I value the stockings at half a guinea, and the coat at half a guinea.

Court. Were these things, the coat and stockings, at your house the 12th of September?—They were, I double locked the door where they were before I went.

Mr. Silvester. When had you left them there?—The 30th of July last.

Then from July to the 13th of September, you do not know whether they were there or no?—I do not, I was abroad at the German Spa.

Court. You left them the 30th of July, in the escrutoir, in your house?—Yes.

What room was that in?—In the front room up one pair of stairs.

Court to Falkner. Do you know the escrutoir that Mr. Read speaks of, in which the things were, in the front room up one pair of stairs?—Yes.

Before these people came into the house, were the locks of that escrutoir safe?—I do not know, I never was in that room before then.

Before these people came in, was the door of that room safe?—Yes.

Not broke?——No.

Did you find it broke after they went away?—Yes.

Mr. Justice Willes. How soon after they went away did you find the door broke?—When the people came to my assistance, they searched the house.

How soon did you yourself see the door open?——After the people came into the house to my assistance I saw it.

Did you see it open at the time when they first came into the house?——I did.

——— DICKSON *sworn.*

I found these things at Smith's, at the lodgings of the prisoner, in Church-yard-alley, on the 13th, the day after the robbery.

Court to Read. Look at a few of the things of the most value that you can swear to?——Here is nothing here but stockings.

Dickson. This petticoat and gown were brought here, because the girl said the woman prisoner had it on at the time she came to the house.

Mr. Read. Here are five pair more.

What do you value them at?—At half a guinea more.

Court. Is there any more of your property found?——No, my Lord.

MARY LANGLEY *sworn.*

Mr. Macnally. Was you employed by Mr. Read to take care of his house?—Yes; I lost this spoon and handkerchief.

Court. What is the value of them?——About half a crown.

Mr. Silvester. My Lord, as to the capital part, there seems to be no breaking, it is not like a burglary in the night, there must be an actual breaking of the house.

Mr.

Mr. Macnally. My Lord, they got into the houſe with a felonious intent.

Court to Folkner. Was there any other room in the houſe broke open beſides that?—No.

Mr. Silveſter. Did the people come firſt to you, or did they go up ſtairs before they carried you?—They came firſt to me.

Mr. Silveſter. I have always underſtood, that to conſtitute this particular offence, there muſt be an actual breaking into the houſe, not afterwards a breaking when in the houſe, and that is the diſtinction between this and burglary, becauſe in burglary they may firſt get in by fraud.

Court to Read. You have ſwore to the value of theſe things that were found, you have ſworn very tenderly as to the value; you have loſt a great many other things, can you name any of the other things?—Yes, I loſt ſixteen callico ſhirts, and about twelve or more linen ones, I loſt ſeveral coats, and nine ſilver ſpoons; the callico ſhirts I value at eight guineas, four coats at a guinea a piece, and divers other things.

Court. Who had the key of this room?—An acquaintance of mine in York-ſtreet.

Court. You need not call any people to the woman's character, there ſeems to be ſufficient evidence before you to induce you to believe ſhe is the man's wife.

The priſoner James called four witneſſes to his character.

Court to Jury. It is for your conſideration, whether this priſoner is not guilty of ſtealing the reſt of the things which the proſecutor loſt, as well as thoſe which are produced.

JAMES HAMILTON, GUILTY

Of ſtealing goods in the dwelling houſe above the value of 40s. Death.

MARGARET CHESSER, otherwiſe HAMILTON, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

3. The ſaid JAMES HAMILTON was again indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Holland, Eſq. about the hour of eight in the night, on the 9th day of Auguſt, and ſtealing therein one ſilver tea urn, value 15l. one ſilver coffee pot, value 6l. one ſilver bread baſket, value 6l. twenty four caſe knives and forks with ſilver handles, value 8l. twelve deſert knives value 40s. twelve table ſpoons, value 4l. two ſilver tea ſpoons, value 4s. one ſilver tea canniſter, value 6l. one ſilver ſugar canniſter, value 3l. two pair of ſilver ſhoe buckles, value 40s. one pair of ſtone knee buckles, value 10s. one man's linen neck handkerchief, value 12d. one other handkerchief, value 12d. the property of the ſaid Richard Holland.

And the ſaid MARGARET CHESSER, otherwiſe MARGARET, wife of the ſaid JAMES HAMILTON, was again indicted for feloniouſly and maliciouſly inciting, moving, procuring and abetting the ſaid James Hamilton to do and commit the ſaid felony and burglary aforeſaid.

DOROTHY MACKENZIE *ſworn.*

I live with Richard Holland, Eſq. No. 18, Orchard Street, on the 9th of Auguſt his houſe was broke open between the hours of ſeven and eight in the evening, a woman came and knocked at the door, and inquired for Mrs. Holland, I told her ſhe was not at home, ſhe bid me good night and I ſhut the door; then two men came and knock'd at the door, one of them had a letter in his hand and ſaid he brought it from America for Mr. Holland, I told him Mr. Holland was not at home, he ſaid it muſt be ſent to him, he aſked me for his addreſs which I gave him, he aſked me for a pen and ink, I went to fetch it and he walked after me, and puſh'd me backwards in the hall, and preſented a piſtol, and told me if I made any noiſe he would blow my brains out that inſtant, ſo then he took me

into

into the back parlour, the prisoner at the bar was the person, and he asked me for the keys of the parlour door, I told him I had never seen any, he went to Mr. Holland's book case and brought the keys from some where about the book case, he told me he was informed Mr. Holland was a man of great fortune and property, and he was come to rob the house, my husband's sister came and knocked at the door, he ask'd her to walk in, and she came in, and then he took hold of her and said she was his prisoner, she is not here, so then he tied our hands, then my husband came and knock'd at the door and he let him in and they brought him in and tied him hand and foot, and locked us all in the back parlour, I believe they were about an hour and three quarters after they were gone my husband's sister got her hand into my husband's pocket and got a knife and untied him, none of the property has been found since, but a couple of handkerchiefs.

When you got loose what did you find in the house? ——The drawers were broke open and the book cases, they got the key of the plate chest and opened it, none of the property has been recovered but the handkerchiefs, I do not know what Mr. Holland lost.

GEORGE MACKEZE *sworn.*

About eight on Monday evening I was let in by the prisoners to the house of Mr. Holland, which my wife and I at that time took care of, when immediately as I got in the door was shut, and I was surprized by the prisoner presenting a pistol to my head and swearing he would blow my brains out if I made any resistance, at that instant his partner who was in the back parlour rushed out with a drawn cutlass in his hand, they secured me and conducted me into the parlour, and tied my hands behind my back, and made me follow them all over the house, leaving my wife and sister lock'd in the parlour, till such time as they had plundered the house of every think they thought of value, I saw them break the locks of Mr. Holland's book case and from it take gold, bank notes, table and tea spoons, buckles and many other things; from a plate chest below, I saw them take a silver tea urn, three silver tea canisters, some table spoons, knives and forks, and other things, but I could not tell what, they strove to prevent my seeing, as much as lay in their power, they put them into a long handbox which they brought with them for the purpose of carrying them away; after that they made me go where my wife and sister were, they took my garters off my legs, and with one they tied my hands and the other my legs, they then lock'd the door, they made strong threats against our lives if we made any noise or appeared against them; and then in about ten minutes after they left the house.

Of what value might these things be? ——About eighty pounds.

None of these things were found again? ——Not to my knowledge.

CHARLES JEALOUS *sworn.*

I know nothing more than apprehending him, as I have mentioned, the other people found something on him.

—— DIXON *sworn.*

These two handkerchiefs were found in the prisoner's lodgings.

RICHARD HOLLAND, Esq. *sworn.*

This handkerchief I am sure of, I have had it so many years, and I have only one of that sort which I lost that night, I have had it ever since the year 1776. It is a muslin handkerchief, I lost another, it has my mark upon it, and I have little doubt of it; I have obtained no other part of my property, the instruments they made use of in breaking open the place were taken on them, and a cutlass, a pistol, and an iron crow, they were taken afterwards.

PRISONER's DEFENCE.

My Lord, I have nothing particular to say, these handkerchiefs that were found, belonged to the man that made his escape without his coat, one of these handkerchiefs

chiefs was round his neck, and the other was found in the inner room, which has been attributed to me, and the ſtockings, and all the things that were mentioned in the former proſecution he brought to me, being a ſhipmate of mine; I leave it entirely to your Lordſhip.

Court to Jury. In reſpect of the burglary, it was between ſeven and eight in the evening, on the 8th of Auguſt, when you know it is by no means dark: as for the woman, though the law does certainly protect her, yet as ſhe was ſo principal an actreſs in theſe robberies, if her huſband is executed, probably if ſhe has any ſort of feeling for him, ſhe will recollect that ſhe has been very inſtrumental in having his life taken away.

NOT GUILTY *of the Burglary, but* GUILTY *of ſtealing the goods in the dwelling houſe.* Death.

Tried by the firſt Middleſex Jury before MR. BARON HOTHAM.

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4. THOMAS WOOD and GEORGE BROWN were indicted for feloniouſly aſſaulting Sir Thomas Davenport, Knt. on the King's highway, on the 11th of October laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one watch, with the outſide caſe and inſide caſe made of gold, value 10l. one ſteel watch chain, value 3d. two ſtone ſeals ſet in gold, value 50s. and two guineas, value 2l 2s. and one ſhilling in monies numbered, the property of the ſaid Sir Thomas.

The witneſſes (except Sir Thomas) ordered to go out of Court by the deſire of Mr. Garrow, Priſoner's Council.

The Indictment was opened by Mr. Shepherd, and the Caſe by Mr. Silveſter, as follows.

May it pleaſe your Lordſhip and Gentlemen of the Jury, I am likewiſe of council in this proſecution againſt the two priſoners at the bar; the charge has been opened to you, it is for a highway robbery on Sir Thomas Davenport; the priſoner Wood, keeps a houſe at Kentiſh Town; the priſoner Brown, is a man I believe of no employment whatever, the account he gave of himſelf was, that he got a ſhilling as he could; the circumſtances on which this charge againſt the priſoners is founded are theſe; on the 11th of October laſt, about five o'clock, as Sir Thomas was riding from Marlow, where he had been ſome time, his coach with poſt horſes, and ſome of his ſervants being gone before, he followed in his chariot, attended by only one ſervant on horſeback, and as he came along the Edgware road, about five miles from his own houſe, two men rode paſt the carriage, and the coachman thought from their appearance, that they meant to rob his maſter, he particularly looked at them as they paſſed the carriage, and at that time there was not any thing over their faces, nor any diſguiſe, they were dreſſed in round hats, one a very good one, the other a common felt hat; they ordered the ſervant to alight and hold his horſe, then they took their two handkerchiefs and tied them tolerably looſe, and pulled them up at the bottom of their faces, then they went to the carriage, the ſhort man to the right ſide, where Lady Davenport ſat, and the ſhort man called out to the tall one, damn you, if you flinch I will blow your brains out, he ſeemed to be the commanding officer, he ordered the coachman to ſtop, the tall one put in his piſtol, and aſked Sir Thomas for his money, which he gave him, the ſhort one attacked Lady Davenport, and aſked her for her money, which ſhe gave; at this time being five o'clock the ſun was ſetting, and ſhone full in the face of the ſhort man, his face was directly oppoſite to Lady Davenport and Sir Thomas; after they had taken their money, they aſked for their watches, and they perceived that Lady Davenport was in the act of concealing her watch, upon which the ſhort one ſwore if ſhe concealed any thing, he would get off his horſe,

ſearch the carriage, and if he found any thing concealed, by God he would blow her braine out, and he called out to the tall one to come and hold his horſe; he ſtood upon his ſtirrups as if going to get off his horſe; this threat had its deſired effect, the tall one then ſaid, your pocket books, aye, ſays the ſhort one, that is right, your pocket books; while he was threatening Lady Davenport, the handkerchief fell from his face, Sir Thomas, whoſe attention was more to that man, becauſe he thought his lady was in danger, obſerved him, and ſaw his face very plain, the robbery was ten minutes committing, they were in no hurry, they very deliberately rode away, and rode up to the ſervant who was ſome diſtance behind; Sir Thomas then looked through the back of the carriage and obſerved their ſize, their height, and their manner of riding; when they came up to the ſervant, ſays the tall one to the ſhort one, give the man half a guinea; the tall man then, as the ſervant of the other, gave him, in the preſence of the footman, the watches he had received, and he looked at the purſe, ſays he, what is this, here is not much money in this, and he put it into his pocket, they then took off their handkerchiefs, and very deliberately rode away; Sir Thomas went home, and ſent a deſcription of the robbery and of their perſons to Bow-ſtreet, but no information of any thing was received at the office: on the 10th of November, as Sir Thomas was walking from Weſtminſter to his own houſe in Bloomſbery, going up St. Martin's Lane he obſerved theſe two men; their dreſs, their ſize, and one of the horſes manner of going, every thing ſtruck him that theſe were the two men that had committed the robbery, upon which he followed them, and got before them, and the inſtant he ſaw their faces, he had no doubt in his own mind that theſe were the two men, upon which he followed them till he came to the ſtable yard in Chaple ſtreet; having this clue to go by, the priſoner Brown was apprehended by the officers in Bow ſtreet, and as the two men had got the ſame coloured great coats, he was deſired to bring his great coat with him, but that could not be, for he declared he had no great coat, a note was ſent by the magiſtrates to Wood, to deſire him to attend, Wood made ſome excuſe and could not attend, upon which Sir Thomas, with the officers, went to Kentiſh Town, where they ſuppoſed this man was; Macmanus, who underſtands his buſineſs very well, ſays, if I go in, it may create ſuſpicion, let the ſervant go in; the ſervant went in, and as ſoon as ever he went in, he ſaw the priſoner Wood in the bar; as ſoon as he ſaw him, he turned round and went to Macmanus, why ſays he, the man that robbed my miſtreſs is in the bar now, I am ſure of it; well ſays Macmanus, go in, the man went in; how do you do Mr. Wood, I hope you are very well; Wood heſitated a little, ſays he, how do you do Mr. Coachman, will you have ſomething to drink, he wanted to go and make ſome punch, no, ſays the man, you muſt not go away, a ſignal was given, and Macmanus came in, ſays he you muſt go to Bow ſtreet, ſays the coachman, take your hat with you, ſays he to the maid, give me ſuch a hat, mentioning a particular hat; ſays the coachman, that is not the hat you ſtopped my maſter in, ſays he, I have but this one, then ſays the coachman, put your great coat on? ſays he, I have no great coat, I chuſe to go without one; ſo without the great coat he came, and was taken to Bow ſtreet; Sir Thomas was examined, and he, in his own mind, had no doubt but theſe were the two men that robbed him, that Wood was the man that robbed Lady Davenport, and that Brown was the perſon that ſtood on his ſide the carriage and robbed him, one of the horſes was ſeen to ride up St. Martin's Lane, and ſhewn to Sir Thomas and the ſervants; Sir Thomas ſaid as much as a man can ſwear to a horſe, that is the horſe, the coachman who had a better opportunity, immediately identified the horſe, and ſaid, that was the horſe the man rode on the day his maſter was robbed; upon application to Mr. Wood,

Wood, says he, this is my horse, it is a blood horse, he has won a plate, I have had it some time, therefore the question is, whether the man who rode that horse on that day, was Wood or not, because that horse is identified to be the horse on which the robbery was committed; another circumstance that will appear, is this, a few minutes before the robbery was committed on Sir Thomas Davenport, these two men were seen on that road; you will therefore be to judge, whether or no these are, or are not the men that committed the robbery, you will judge by the situation of the place; for it is not above forty minutes ride from the place where Sir Thomas was robbed, to the house of Wood, it is exactly seven miles, therefore it is possible he might have gone from his house at four, and returned at six; therefore the only question for him to account for will be between the hours of four and six; you will confine your attention to that part of the defence, from the hour of four to six, and if he does not account for that time, you will conceive they are the persons: Gentlemen, it is a little remarkable, they should not chuse to produce the great coats: however as for Sir Thomas, he only wishes the whole circumstance of the case should be laid before you in evidence, in order that you may judge of the guilt, or innocence of these men; and if it can be made out, that they were not the men that actually committed the robbery, I am sure he will rejoice with me and with you; but if they are the men, it is a justice he owes his country, to bring them in before you: Gentlemen, these are the circumstances I have shortly opened to you, if upon the whole of the testimony they satisfy your minds these are the men that committed the robbery, you will find no difficulty in pronouncing the prisoners guilty.

Court. Where is Brown's house?—— Somewhere in Chapel-street, it is an equal distance from each house.

Sir THOMAS DAVENPORT *sworn.*

I was coming from Marlow at Cranford, I staid while the horses baited, I had a coach and four horses, and my own chariot, the coach went on before, when we came to Uxbridge road, we turned to Acton, I looked at my watch at Acton, and it was near five, we were just observing we should be at home in very good time, we had gone as near as I can guess, about a mile or a very little more or less, which might have taken up about a quarter of an hour, we were going at the rate of six miles an hour, or something thereabouts; the sun was set at this time, it was a very light fine afternoon, it was Monday the 11th of October; the passing and meeting and all that, I cannot speak to; I made no observations whatever on that, but the first thing I observed was, as I was going from Acton to Willsdon, going about east-north-east, so that the sun was pretty nearly on my left hand, the prisoner Brown was the first person I saw, with a long horse pistol, he presented it to the coachman, and bid him stop, which he did immediately, the lesser man which they call Wood, came to the window where my wife sat, the window was up and they ordered me to let it down, and Brown passed between the side window and the front window of the chariot, I saw him in that light he had a handkerchief over his face, the upper part of his face to his nose, the hat was a little up, then pretty nearly together they demanded our money, Wood's face had a handkerchief over it, pretty nearly the same, but it laid flatter a good deal than it did upon Brown, it projected more upon Brown; I had my money loose in my pocket, two guineas and two or three shillings which I gave to Brown into his hand, then his face was pretty near mine, I looked at him as attentively as I could, when I gave him the money, then my wife gave the other man Wood her money, in a small mixed purse; then they asked for our watches, I observed my wife was putting hers behind her upon the seat, upon which Wood the lesser man arose up upon the stirrups, then he had his horse's face pretty near to the window, as he arose up, his handkerchief dropped a little, and he pulled it up,

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it ſeemed to me as if he held it at a little diſtance from his mouth, that he might ſpeak plainer; he kept ſo fronting me in ſuch a poſition as to ſee whether any thing was concealed or not, therefore I ſuppoſe he had obſerved my wife attempting to conceal the watch, he then held the handkerchief at a little diſtance and ſaid you are going to conceal ſomething, and he called to the other, and ſaid, come here and hold my horſe, and then lifted the off leg from me, out of the ſtirrup, he did not get of, but ſaid to me, I ſhall ſearch the charriot, and if I find any thing concealed, by God I will blow your brains out; I looked very erneſtly at him, and he made a very conſiderable impreſſion on me, ſo that I think I cannot be miſtaken; I ſaid, he ſeems a very firm, determined man, for God's ſake give him your watch; the other man did not come round as he was bid, it appeared ſo as if Brown, who was on my ſide, was under ſome ſort of command from the other, he to me appeared frightened a good deal, on my ſaying ſo, the other was very deliberate as I think he could be in any act, I gave my watch to Brown juſt before I gave it he ſaid damn you, you have more money and felt my right hand pocket, my wife gave her watch alſo, hers was a gold watch that had a chaſed outſide caſe, but then had a ſhagreen or ſeal ſkin, a ſteel chain, two ſeals and ſome other little ornaments I did not know, her ſeal was a family ſeal and one ſeal ſmaller; my watch was a gold watch, made by Mudge and Dutton, it had a gold cap upon it, a gold inſide and outſide caſe it was very heavy, I think I paid thirty three guineas for it, a plain ſteel chain and two ſeals, all this while the light of the ſun was very ſtrong in both their faces, ſo that I ſuppoſe the whole time, as near as I can gueſs in ſuch a ſituation, could not be leſs then ſix or ſeven minutes, during which time I had made ſuch obſervations that I was convinced in my own mind I ſhould know the perſons of both of them, any where: after a little pauſe, the taller man with a low ſoftiſh voice ſays your pocket book, I told them I had no pocket book, the leſſer man on my wife's ſide ſaid aye, right, your pocket book, with a ſharper voice and a rougher one; my wife ſaid ſhe had not one, after being ſo frightened and alarmed by their threats about the watch, ſhe ſaid I have none upon my honour Sir, and was making excuſes, the leſſer man ſaid do not be frightened Lady, you ſhall not be hurt, there was ſome little deliberation, I ſat in my ſeat very quietly, and my eyes almoſt intirely fixed on Wood, after he had made theſe threats, thinking if he put in his piſtol or any thing of that ſort, that I would give what aſſiſtance I could in warding it, or ſnatching it, the men went behind and I immediately looked thro' the back glaſſes, and there I ſaw, about the diſtance of twenty or thirty yards, my footman diſmounted, ſtanding and holding his horſe, the two men were not then come up to him, as to the horſe I only ſaw it was a bay or between a bay and a brown, and white on his face; the other appeared to me much darker, whether it was dark brown or black I could not tell, it ſtood in ſuch a ſituation to me, there was a hedge directly behind him ſo that there was a ſhade, the other was in an open ſpot, but as to his marks I could not ſee at all; the two men before they got up to my footman met in the middle of the road and there ſeemed to me ſome ſtop, I could not tell what they did there, my footman muſt have ſeen it and poſſibly can deſcribe it; then they went up, and ſeemed to ſay ſomething, and went on with their head towards Acton, I ſhould think if it was five mile to Paddington, it muſt be the outſide, it ſeemed to be a good trotting horſe, and he he could go in leſs than forty minutes to London, acroſs the new Road; where I was, I was ſix miles from home and we were about an hour going home, and there were two hills that would delay five or ten minutes, if I had been going a level road, I was going at the rate of ſix miles an hour, I ſent to town that night, but there was nobody at the office, and the next morning my ſervant gave intelligence and the watches were put into the hue and cry,

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but I heard nothing of them or the men until Wedneſday the 10th of November, on a mizzling ſort of a day, it was dirty, I was coming from Weſtminſter towards the upper end of St. Martin's Lane, I ſaw theſe two men very diſtinctly and the moment I ſaw them I had the ſame impreſſion I had at the time of the robbery, the leſſer man had then on a brown coat, his hair round not powdered, a handkerchief tied round his neck which appeared to me to be of the ſame ſort as the one about his face, the coat he had on was a darkiſh drab colour, and an old hat of the ſort and kind he had on at the robbery.

Court. How were they dreſſed at the time of the robbery?——They had both great coats on of the drab kind, one dirtier than the other, two large horſeman's coats buttoned, ſo that I never ſaw their under dreſs, nor did I know till I came to Bow Street, what dreſs they had on, but your lordſhip will hear what dreſs they had on when their coats were ſeen unbuttoned; having made theſe obſervations and being perfectly convinced in my own mind and having no doubt about them, I took the pains to follow them through ſeveral ſtreets; at that time my recollection ſeemed perfectly freſh about them, I followed them till they turned down what appeared to me to be a ſtable yard, it was wrote over Green Street, coming from Theobald's Road, and in a ſmall paſſage leading into Chapel Street nearly oppoſite the Chapel, I ſaw them alight and put up their horſes, I did not know either of their ſituations in life, but I thought my duty to the public required me as ſoon as poſſible to give information at the public office, there I met with three people, I deſired they would make enquiry into the relative ſituations in life of theſe men; it ſtruck me ſo forcibly at the time I had obſerved their height, one was about five foot ſix or ſeven, and the other five foot nine or nine and a half, that ſeemed to be exactly at the time the proportion of the relative height that they bore to one another, the taller man ſtooped a little on his horſe, more of a lounging, and the other was erect; the next morning Carpmeal came to me and we went to Bow Street about three, and I looked at Brown, and I thought then as I do now that he is one of the men; a meſſage was ſent to Wood to Kentiſh Town to come to Bow Street, and the purport of his anſwer was that his wife was in Town and he could not come, however he was fetched to Bow Street, and the next day I ſaw him, and then and now, and at the former time, I did and do believe him to be the man: it ſtruck me exactly with the ſame impreſſion it does now and did at firſt, he was afterwards fully committed, and from the conviction I had, I thought it my duty to the public, that they ſhould clear themſelves.

Mr. Silveſter. How many miles is it from Kentiſh Town to the place where you was robbed?——I ſhould gueſs ſix or ſeven miles, I think I could ride it in three quarters of an hour, I very often ride ſeven or eight miles an hour.

Mr. Garrow. Sir Thomas I believe I underſtand you correctly, that the whole tranſaction was about ſeven or eight minutes in performing?——Yes.

And you have deſcribed that the faces of the men were covered up to the noſe?——Yes.

They had alſo round hats, which did not tend to give information of their features?——Flapped hats.

You loſt watches of peculiar good makers, and ſeals with arms, and they were immediately inſerted in the hue and cry?—Yes.

From the time the robbery was committed to this hour, you have never recovered any part of your property?——No Sir, nor heard of it.

At the time you ſaw theſe two perſons in St. Martin's Lane, was you attended by any of your ſervants?——No Sir, I was quite alone.

You would naturally mention the circumſtance of having ſeen it?——Yes.

So that previous to the examination in Bow Street, your ſervants were apprized that you had ſeen perſons that you ſuſpected?——They had.

You had probably expreſſed yourſelf ſtrongly?——Yes.

And your ſervants had probably heard you?——Probably they had, but I would not have proſecuted if I had not the fulleſt conviction in my own mind, that they were the two men; and I wiſhed my ſervants to ſee them, becauſe if they had not been as ſure as myſelf I ſhould have thought it too much to have proſecuted them; I underſtood Brown was to remain, whether voluntarily or in cuſtody I do not know, for this Mr. Wood to come and clear him.

Did Brown refer to Wood of Kentiſh Town?—Yes.

Did you ſee the note that was ſent to Wood?——I did not.

ABRAHAM RILEY *ſworn.*

Priſoner Wood. I beg Sir Thomas might withdraw while his ſervant is examined.

Riley. My maſter was ſtopped by two men, who paſſed us and did not ſay a word, they rode to the footman and made him get off his horſe, they pulled their handkerchiefs over their faces, one on one ſide and the other on the other, they ordered me to ſtop, I did not pull up directly, they began to be enraged with me and ſwore and called me an impudent fellow for not ſtopping, they ſaid if I did not ſtop they would blow my brains out and I ſtopped, immediately one came on each ſide, Wood came on my Lady's ſide and they demanded the watches and money, my Lady gave him her purſe and he demanded her watch and pocket book, ſhe told him ſhe had none, and he threatened very much, and I ſaw the watch and purſe in Wood's hand, then they demanded the pocket books, my Lady ſaid they had neither of them pocket books, then he threatened to get off his horſe and told the other to hold his horſe, while he got off, and if he found any thing in the coach he would blow their brains out; as ſoon as ſhe began to ſcream he puſhed too the door, and told her not to be frightned ſhe ſhould not be hurt, ſo they rode off, they told me to drive on, they went to the footman and made him get down.

Did you make obſervation either on the perſons or horſes of the two men?——Not ſo much when they firſt came up as after I leaned on that ſide that the perſon robbed my Lady on, I took more notice of Wood, than the other.

How was he dreſſed?——He had a kind of drabbiſh great coat on, and round hat and his hair hanging down about his ears, and his handkerchief tied round his face, I did ſee him as I turned my head, it hung down before; information was given at Bow Street, I obſerved the horſe, it was a mare about fifteen hands and a half high, or thereabouts, I have ſeen her ſince at Bow Street, ſhe looks to be the ſame mare.

Court. What colour?——It was a bay mare with a ſwitch tail, a kind of blood mare, two white feet, with a kind of a white ſlit and ſtar, ſhe ſeemed to be rather low in fleſh.

Is that the mare that the man rode who robbed your miſtreſs?—To the beſt of my knowledge it is.

Did you take any notice of the other man Brown?——Nothing that I could be ſo ſure of him as the other, I looked behind me, and I took him to be the perſon, but not ſo poſitive to him as to Wood who robbed my Lady; he had the ſame ſort of great coat on as the other, his horſe was rather darker, but they ſweat ſo.

Mr. Silveſter. Did they look as if they had been rode hard?——Yes, very hard; after this I went with Macmanus, or ſome of the officers, to Kentiſh Town, on Thurſday the 11th of November, and Macmanus told me to go in firſt, and ſee if I ſaw ſuch a perſon there as was on the road, and I went to the door, and ſaw Wood in the bar, I went back and told Macmanus that was the perſon, ſo I went up ſtairs and called for ſixpennyworth of rum and water, we drank it, and he was ſixpence; when we got into the room, we began talking to one another about the weather, we aſked him if he had not a note from Bow-ſtreet; he ſaid

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he had, he could not come, his houſe was full of company, and there was no name to the note; Macmanus ſaid there was the ſitting Magiſtrate's name; he ſaid if he had known ſuch a thing as that, he would have come at firſt, ſo we had a ſhillings-worth and came away; nothing paſſed at that time: he ſaid if he could do any good, he would come directly. I aſked him for ſixpenny-worth at firſt, and told him to be quick; I aſked him for a room, he ſaid he believed he had not one above or below; he was not reſolute at all, he came with us freely.

Did you ſay any thing to him, or he to you?—Not the leaſt word in the world, he began to ſay that Brown was a very honeſt young man, and all that, ſpeaking in behalf of Brown; we did not mention to him any thing that we were about: he was dreſſed in a brown coat.

Did you make any obſervations to him about his dreſs?—We aſked him if he had never a great coat, he ſaid he had lent his great coat out that day.

Mr. Garrow. Now, coachman, firſt, as to Mr. Brown being in cuſtody; he was juſt as much in cuſtody as I am, or any of the Jury are.—If Macmanus was the conſtable, he muſt be in cuſtody.

Was this the note that was ſent by Mr. Gilbert? *(Shews him a note.)*——I never ſaw the note.

When was the firſt meſſage ſent to Wood?—It was about ſix or ſeven, I cannot rightly tell which, an old man went with it.

When did you and Macmanus go to him?——The very ſame night, about half after nine.

So that at any rate he had had four or five hours notice that you intended to viſit him?——Yes, I ſuppoſe he had.

Had you your coachman's great coat on?——I had this great coat on.

So the firſt man you ſaw was Mr. Wood?——Yes, he was in the bar; they told us to go for Mr. Wood, the landlord: Sir Thomas came home, and ſaid he ſaw the two men that had robbed them; that is, he told my fellow ſervant, and my fellow ſervant told me.

You know it would have been uncivil to have differed from Sir Thomas in his opinion; it would have been rude, therefore, of courſe, you concurred in it: do you remember being at the Brown Bear in Bow-ſtreet?——Yes.

Who ſat in the box?——I cannot recollect.

Do you recollect ſeeing Brown in the room at the Brown Bear?——Yes, they brought him in to me as one of the perſons that robbed my maſter; they aſked me if I knew him, and I ſaid, really, I could not recollect him, but I did not know but I had ſeen him.

Upon your oath, did not you ſay in the Brown Bear, that Brown was not one of the men that robbed your maſter?——I ſaid, I believe he is not, or not to my recollection, I only ſaw him going into the public houſe with the conſtable; they ſaid, do you think that that is the perſon that is going into the houſe now; upon my word, ſays I, I do not ſee his face, I cannot recollect whether he is or is not, but I do not recollect ſeeing that perſon.

I aſk you, Sir, and I deſire you to be cautious, upon your oath, did you not ſay that he was not one of the men; that is a plain queſtion, capable of a very plain anſwer: why you did ſay it; why do you mince it, Sir; why do not you ſpeak out? Theſe mens lives are at ſtake; was the houſe full of company?——I did not ſee one perſon.

Did not ſee! do not you know it?—He told me he had not got a fire in any room for us to ſit down.

Did you go into the club room?—No.

Did you go into the aſſembly room?—I cannot tell which that is; there might be a thouſand people beſides us, I only ſaw an old man.

Was not you in the room with him at the Brown Bear?—Yes.

Did you ſay then he was the man?——I did not punctually ſay it, I ſaid to the beſt

of

of my recollection I had ſeen him before, but not to know him.

Deſcribe the manner in which the handkerchiefs were tied over the faces?—They were brought under the head, and covered one of the eyes, and ſo came down to the mouth; they had only one eye that they could ſee out of.

Mr. Garrow. The Gentlemen of the Jury will obſerve, that one of the eyes was compleatly covered.

Court. Do you mean now to ſwear poſitively, that Wood was one of the men that ſtopped the chariot?—To the beſt of my recollection he is, but I did not ſee ſo much of the other; I do not ſwear to him.

DANIEL NASH *ſworn.*

Examined by Mr. Shepperd.

Do you remember Sir Thomas Davenport's being robbed?—Yes; when I firſt ſaw them, they were coming to meet the chariot, they did not take any notice when they firſt paſſed it: they came up to me and ſtopped me firſt, they made me get off my horſe, then they put handkerchiefs over their faces, and rode back to the chariot; they ſtopped the chariot.

How far from the chariot was you whilſt they were robbing it?——About five or ſix yards; they went up and ſtopped the coachman, and demanded my lady's watch and money directly.

After they had robbed your maſter and miſtreſs, which way did they go?—They came back to me, and deſired me to get on the horſe again.

Had you not an opportunity to make any obſervation as to their perſons?——Yes, I took as much notice of them as I could the ſhort time they were with me, they made me get off my horſe, and after I was off my horſe, they wore large handkerchiefs tied round their necks, and they unbuttoned their waiſtoats, and put them acroſs their faces under their hats.

Had you an opportunity of ſeeing the whole of their faces?—Yes, Sir, and after they pulled them off again.

Should you know the men again if you were to ſee them?—I ſhould know one of them, the other I cannot ſay I ſhould know his face, becauſe the great coat came up ſo high and the hat ſo low.

Which of theſe two men is it that you think you ſhould know?——The talleſt.

Do you mean to ſwear poſitively?—Yes, to the beſt judgment that I can form, that is the man; I ſaw my lady give her purſe and money: they had both got great coats, Brown had a coat much like this, the other was not ſo good a one as this; I ſaw the horſes, Brown's horſe was either a very dark brown, or black; the other horſe can be produced, which is in the ſtable; it is a bay horſe, there is a large ſtar in the forehead, and white ſlip on his noſe; I have ſeen that horſe ſince at Bow-ſtreet.

Was the horſe you ſaw at Bow-ſtreet the ſame horſe the robbery was committed on?——Yes, I can ſwear that is the horſe the little man rode that robbed my lady.

What dreſs were they in when they came into Bow-ſtreet?——Brown had a brown coat on, a kind of a drab coat.

Court. That cannot be of much conſequence; did you take notice of their clothes beſides their great coats?——I had not a proper ſight of the coat, but what I ſaw of the great coat, was the ſame coat they appeared in at Bow-ſtreet.

Mr. Garrow. You ſay Wood's coat was muffled up about him ſo high, and the hat ſo low, and the handkerchief over his face; was Brown's hat in the ſame way?—When they committed the robbery, there was nothing viſible in the face of either of them, but one eye, and that was the right eye, that was uncovered as nigh as I can gueſs, I am ſure it was the right eye.

Have you ever ſince ſeen either of the great coats the priſoners had on?—No.

You made no other obſervation on the horſe, but that it had a ſtar on the forehead and a ſlit on the noſe?—Yes, I ſaw it was a kind of a blood horſe, the tail juſt docked; it was a mare.

How long might this robbery be in committing?

mitting?——Their time with me and my lady, I ſuppoſe, might be ten minutes at leaſt.

You obſerved all theſe marks particularly?—Yes.

Sir Thomas ſaw theſe two men afterwards?—He came down and aſked me if I could ſwear to the men if I ſaw them; I ſaid I believed I could ſwear to the tall man; he told me he had traced two men to the livery ſtables, and ſaw them ſhut themſelves in the ſtable.

The next day you was told you was to go to Bow-ſtreet and ſee them?——I expected to find Brown there; I did find him there.

Was you examined before Sir Thomas?—He was taken in firſt.

After that, I take it for granted, you ſwore to him too?—I ſaw him before Sir Thomas ſaw him.

You have ſaid to the beſt of your judgment he is the man?——Yes.

Do you mean to ſay, that if you had met him, you ſhould have known him to be the man?—I knew him at the Office.

But then you knew he was the man that had commited the robbery?——I was ſure of it.

Court. If you had met this man any where but at the Office?—Let me have met him where I would I ſhould have known him to be the man, I toook ſo much notice of him.

PATRICK MACMANUS *ſworn.*

Examined by Mr. Silveſter.

I went with Sir Thomas's coachman to Wood's houſe, I went firſt after Brown; Mr. Carpmeal, Jealous, Clarke, and I, went to Brown's mother's houſe, in Chapel-ſtreet, on the 11th of November, we ſaw Mr. Brown ſtanding in Chapel-yard, ſays Clarke, was you riding out yeſterday? yes, ſays he, I was; who was with you? Mr. Wood, of Kentiſh Town; he ſaid they went over Weſtminſter-bridge, and came home that way, as near as I can recollect; he aſked him where the horſe was that Wood rode yeſterday; he ſaid he was gone to graſs; ſays I to him, we want you for a highway robbery; ſays he, I never did ſuch a thing in my life; ſays I, you muſt go down to Bow-ſtreet; ſays he, let me go into my houſe; ſays I, by all means: Clarke and Jealous went to look for Sir Thomas, I ſat five or ſix minutes with Brown, I told him, you muſt come away, I cannot ſtay any longer; I took him to Bow-ſtreet, and put him into a back parlour, and went over the way and told Mr. Bond; I ſaw Brown no more till after ſix: late at night I went to Kentiſh Town, with two ſervants of Sir Thomas Davenport's, and another man; I ſent the coachman to ſee whether he knew any body in the houſe, he went in two or three ſteps, and turned round and ſaid to me, here is the man; as ſoon as Mrs. Wood ſaw us, ſhe had been at Bow-ſtreet that day and knew the buſineſs; ſays Mrs. Wood, you come for my huſband; yes, ſays I.

Court. You mean to ſay, that ſhe knew you was coming to take up her huſband?——I apprehended ſo, becauſe ſhe was at Bow-ſtreet when Brown was fully committed, and ſhe was at home when I got there; ſo I ſuppoſe ſhe told her huſband: Wood, ſaid, Gentlemen, do not make any noiſe or diſturbance here, there is a club in my houſe, and I went up ſtairs, and I ſuppoſe we might ſtop beſt part of half an hour, during that time the bell rung once or twice, and Wood wanted to go out, no, ſays I, you cannot, for Brown is fully committed, and I am accountable for you; ſo he did not aſk to go out any more till we came to Bow-ſtreet: I aſked him to get his great coat, and he ſaid it was not at home: then we brought him to Bow-ſtreet; I know of nothing paſſing at the Brown Bear.

Do you know this horſe?——I know the horſe that I ſaw at Bow ſtreet, it is Wood's horſe, he told me ſo himſelf; ſays I, we muſt bring your mare to town, ſays he, do not bring her to night, you will find it in the ſtable in the morning; he told me it

was a poor thing, and he took a vaſt deal of pains to get it round.

Mr. Garrow. What time was the firſt examination of Brown?——Some time between twelve and one.

What became of Brown till the evening when he was re-examined?——I do not know, I heard he went home with his friend, and ſtaid till the evening.

Whether when he came back again in the evening, he was in any cuſtody, or came voluntary?——I believe he was not in cuſtody in the evening when he came back, but I do not know.

Whoſe writing is that?—I do not know, but I believe it is Allen the clerk's writing.

Do you know whether there was any ſuch meſſage as that ſent to Wood, before you went to Kentiſh Town?—Yes, I am ſure there was, I do not know the hour, there was fault found with ſomebody at the office that that meſſage was not ſent, and a note was produced to ſhew it had been ſent.

So that not only by Mr. Wood, but alſo by the note, he knew that Brown had been committed for this offence?——I do not know, Mrs. Wood was there.

Brown immediately told you all, and went immediately to Bow ſtreet, and came voluntarily again in the evening?—Yes.

On the evening of the robbery, or the next day, deſcription was given of the particulars of the perſons and the horſes?——Yes.

It was inſerted in the hue and cry papers?——I do not know, I believe it was entered in a book as uſual.

Has any part of this remarkable property been recovered ſince?——No.

And it was at the diſtance of a month before theſe perſons were apprehended?—Yes.

Mr. Wood told you there was his horſe, and there it ſhould be the next day?—Yes.

Was there a club that night at Wood's houſe?—I believe there was a club, for I heard the people ſinging up ſtairs myſelf.

You ſay when he wanted to go out, and there was ringing, to attend his buſineſs, you do not mean it as a deſign to eſcape?—No.

Did you ſee any great coats?——I never found any great coats, they were both aſked for great coats, and they ſaid they were not at home.

CHARLES WATKINS *ſworn.*

Examined by Mr. Silveſter.

I am a ſhoe-maker, was you on the road on the 10th of October?—Yes, on the Harrow road, between three and four miles from town, I met two men on horſeback about five o'clock.

Should you know them again?—They had their faces covered, ſo that I could not ſwear to them, they had handkerchiefs over their faces.

Court. Did you take notice of the horſes?——Yes, one was a bay horſe, and the other was a blackiſh horſe.

Had either of them any marks?——I do not recollect any marks, I did not take particular notice of them, I ſaw them ride by me on the road pretty ſwift, I ſaw one of the horſes ſince at the ſtable at Bow ſtreet, it appeared to be the ſame horſe.

Who ſhewed you the horſe?——One of Sir Sampſon's men, he came with us by Sir Sampſon's orders, and me and Sir Thomas's coachman came together.

Mr. Garrow. Who are you?—A ſhoemaker.

So I have heard, where do you live?—In White's Alley, Chancery Lane, I have lived there a twelvemonth, I am an apprentice to Mr. Mountjoy.

How came you to be on the Harrow road?——I went along with my father, I cannot ſay for the day of the month, I know it was on Monday, I think it was the 13th, my father was very much in liquor that day.

You had been walking with your father?——Yes.

Which way were the men riding?——Towards Harrow.

Is your father here to day?—No, he did not ſee them, I went to the Crown at Wilſdon green and I left him, it was as I was coming back alone.

When did you firſt tell this notable ſtory of yours?—I told it that day.

Who

Who to?—I told it to my maſter.

How came you here as a witneſs to day?——Sir Thomas ſent for me.

How did he know of it?—By Mr. Francis, a gentleman, whoſe chaiſe I was behind, it was a ſingle horſe chaiſe, he was in, I was behind it.

Are you ſure it was the 13th on your oath?—I cannot punctually ſay it was the 13th, I will not ſwear it was not the 14th, it was of a Monday in October.

Mr. Silveſter. Did they ſtop any body at all that day?——They ſtopped Mr. Francis.

Mr. Silveſter to Riley. You went with that young lad to the ſtables I underſtand, near Bow ſtreet?——Yes, I ſhewed him Wood's horſe.

Court to Watkins. What were their faces covered with?—A handkerchief.

THOMAS FRANCIS *ſworn.*

I was returning on the 11th of October, on the Edgware road, on Monday I met two men that were dreſſed in drab coats and round hats, I believe they were great coats, I am not ſure.

Did you make any obſervations as to the perſons of theſe men?——The ſize of the men I think I know.

Look at theſe two men?——They are very near the ſize as near as poſſible, as to the face I did not ſee, I have ſeen the little bay horſe or mare, I do not know which, I ſaw him in a ſtable near Bow-ſtreet.

Who ſhewed you the horſe?——One of the people belonging to the office.

Did you make any obſervation of the horſe, ſo as to know the horſe again?——Yes.

Now the perſons you met on that road, was one of them on that horſe?——Yes.

Court. Do you mean to ſay that poſitively?——No, my Lord, I am not ſure, as near as I can gueſs.

At what time in the afternoon was it or morning?——About five minutes paſt five as near as poſſible, between the three and four mile ſtones, on the Edgware and Harrow road.

Was any thing over their faces?——Yes, a ſilk handkerchief.

Mr. Garrow. My Lord, I have a great number of witneſſes to prove as clear and complete an alibi for the priſoners, and for Wood who was in his own houſe at Kentiſh town, as ever was proved in a Court of Juſtice; they are people of characters beyond all ſuſpicion; then I have a croud of witneſſes to the character of the priſoners; I have witneſſes to prove the purpoſes theſe people were out on, a very lawful purpoſe, on the 11th of November.

Court. That cannot be neceſſary to be ſure a month after.

Mr. Garrow. Then I will begin with the 11th of October.

PRISONER WOOD's DEFENCE.

My Lord, and Gentlemen of the Jury, I have heard the evidence againſt me with aſtoniſhment, I ſuppoſe Sir Thomas Davenport has too good a heart to attempt to take away the life of an innocent man; therefore I have no doubt but he believes me to be one of the men who robbed his Lady: but I truſt your Lordſhip's candour and goodneſs will not admit any kind of prejudice to bear away your opinions in this buſineſs, until you have fully heard the witneſſes I ſhall call to prove where I was on the evening of the 11th of October, and alſo to ſpeak to my character; God knows it is the firſt time I ever was deprived of my liberty, and though brought before you in irons as a felon, the integrity of my heart ſtill adminiſters comfort: on my ſecond examination in Bow-ſtreet, many people attended who had been robbed on the 12th of October, near Twickenham, by two men; a ſhort man and a tall one, diſguiſed with ſilk handkerchiefs, they viewed me but all agreed I was not the perſon; ſtrange would it have been if they had, for that was the day I waited on my friends, which I had at my houſe; I mention this circumſtance, becauſe it is poſſible thoſe that robbed Sir Thomas on the 11th, are the ſame who robbed on the 12th near Twickenham, for they declare them to be

disguised with silk handkerchiefs, as Sir Thomas Davenport had done before.

PRISONER BROWN's DEFENCE (*Read.*)

I am so unfortunate as to stand before this tribunal, charged with a crime of which I most solemnly declare I am not guilty; however respectable the characters of my prosecutors may be, however great their veracity, they are unquestionably mistaken as to my being one one of the persons who robbed them.—Similitude of persons may have deceived the prosecutors, unhappily in regard to me; such instances I am afraid have too often occured.—My parents in my infancy instructed and educated me in habits of honesty, industry, and integrity; and I have religiously observed their good instructions, without deviating from those paths.—My situation, and the circumstances in life of my parents being far from necessitous, under whose immediate inspection I have been hitherto brought up, I never was induced by any unlawful means to defraud or deceive any man, however easy it might have been effected, and how remote soever the detection of such crimes might be; much less could I, in the face of the sun be guilty of such an atrocious crime as I am now charged with.—I challenge all mankind who know me, to charge me with the commission of any dishoneſt act, and I again solemnly declare, I am not one of the persons who committed the crime, I am now arraigned for; and I trust that by the aid of that Divine Providence, who guards and protects the innocent, I shall prove to the satisfaction of the Court and Jury, by witnesses of credit and veracity, that on the day, and at the time the prosecutors charge the robbery to have been committed, I was in my mother's house; and that by testimony of a great number of respectable witnesses, my innocence will be so fully and effectually proved, that I shall be by this Honorable Court and Jury, acquitted of the crime laid to my charge, and dismissed from the bar as an injured innocent young man.

ARTHUR FREKE *sworn.*

I am an apothecary at Kentish Town, I attended the prisoner Wood on the 6th of October, with a complaint in his bowels, his head was at that time wrapped up; on enquiry, I found he had received a blow on the Sunday before by a brick thrown at him; I attended him to the ninth on Saturday morning, his face was then in some degree of extravasation, on account of the small wound, and in some degree swelled, on the ninth I directed him not to go out for some days.

What is the character of Mr. Wood, I know him only as being landlord of that house at Kentish Town, since Lady day last; I never heard any thing ill of the man, I believe his general character has been that of an honeſt man, he keeps the Assembly house at Kentish Town.

MARY WILSON *sworn.*

I remember being at the house of Mr. Wood at Kentish Town on the 11th of October in the morning; I had been there some months as companion to Mrs. Wood, and to assist in some measure in the business; he was at home on the 11th of October, in the fore part of the day he was bottling wine in the cellar till dinner time; on the 12th there was an entertainment at his house, I saw him at dinner time; my husband, Mr. Wilson, came rather before four, and staid till after six, I saw Mr. Wood the whole time, I was called down stairs to speak to my husband, and Mr. Wood was standing in the bar when my husband came in, and he was never out of my sight during that time.

The remainder of this Trial in our next Part which will be Publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Thomas Wood and George Brown.

Court. What day of the week?—It was of a Monday.

Court. Can you be poſitively ſure, from the time your huſband came in, Wood was never out of your ſight?—He was never out of my preſence from five, till after my huſband went away, not for five minutes; my huſband had a pint of beer, and Mr. Wood aſked me to make him ſome Hollands and water, as he was cold with bottling the wine, and had not been well for ſome days before.

Do you remember ſeeing Mrs. Sanders there?—Yes, ſhe came in as near as I can recollect, about a quarter paſt five, I cannot ſpeak to a minute, ſhe came in to pay Mr. Wood for ſome rum ſhe had had.

Was there any thing remarkable in the converſation between them?——She aſked Mr. Wood how he did, ſhe is the wife of the apothecary in that neighbourhood; he told her he was obliged to her, he was better than he had been, ſhe ſaid ſhe came to pay him a trifle, ſhe gave him half a guinea to change, and ſhe was rather angry with Mr. Wood, for not employing Mr. Sanders as his apothecary in preference to Mr. Freke; he ſaid he was not fond of doctors, ſhe ſaid, if you are not fond of doctors, they need not be fond of your beer: Mr. Sanders was there all the time at the door waiting for his wife, this was about a quarter after five, and ſhe was there about a quarter of an hour, Mrs. Wood was gone to town to order things for the feaſt the next day, at that time there was no maid ſervant, ſhe went away on old Michaelmas day, which was the day before, it was the laſt feaſt that Mr. Wood ever had till laſt week.

What became of Wood after that?——He and I ſat in the bar till ſuch time as Mrs. Wood came back, he was not ten minutes out of my preſence, from that time till I went to bed.

Mr. Silveſter. You are a married woman?—Yes, my huſband is ſervant to Mr. Kendall the banker; the family conſiſted of Mr. Wood, his wife, and two children by the firſt huſband.

Did you ſet down this converſation?—I recollected every circumſtance in my own mind.

What makes you recollect ſo poſitively?——Having a feaſt the next day, a particular friend of Mrs. Sanders's dined there the next day, I can recollect it, Sir, exceeding

ing well, in thoſe caſes, people have a right to endeavour to recollect every thing; it was the day after old Michaelmas day, he had been ill, and had not been from home ſome days before nor after.

Was there a receipt given for this rum? ——There was no occaſion, it was not booked, it was chalked.

If he was at home ſo many days before it, and ſo many days after, how come you to recollect juſt that particular day?—I particularly recollect Mrs. Wood being without a ſervant, I am poſitive of it being the 10th of October, the feaſt was on the 12th, a feaſt at Mr. Wood's of his tradeſmen.

Who told you it was on the 11th, that the robbery was charged to be committed? ——I did not want to be told, I know he was at home the 11th of October, Mr. Wood had a note from Bow Street, to appear, and there was the 11th of October dated in that note, but if not whether or no, he was at home that day, the 11th of October was dated in that note, I do not recollect from that note I know when the 11th of October was.

From whom did you hear firſt of all that the robbery was committed on the 11th of October?——Mrs. Wood came home and ſaid a robbery had been committed, and he and Brown would be accuſed.

(A note handed up.)

Mr. Juſtice Willes. It is a miſtake in the note, for it is dated the 11th of October, inſtead of November?—The 11th of October was dated in that note, I ſaw the note, I know it was the day after Michaelmas-Day, that the ſervant was gone.

Where was Mr. Wood on the 18th of October?——It is the feaſt makes me recollect it was the 11th of October, and being without a maid ſervant, this is the day after the ſervant left him.

What had Mr. Wood to do on the 11th?——He bottled wine in the morning, and he was not well, he had received a blow.

This wine was bottling for the feaſt; ——I cannot ſay what it was for.

Had he any body to aſſiſt him in the bottling this wine?——The waiter, he was to leave him as ſoon as the feaſt was over, he was not well, he was in the bar all the time, except a few minutes, Mr. Sanders waited at the door and ſaid to his wife, come we ſhall be too late, he was going to drink tea at Mrs. Evans's in the Town.

What makes you ſo particular as to the time?——I cannot be particular to a minute, my huſband ſaid he muſt be going home, he is a ſervant, I ſaid ſtay and have a cup of tea, Mr. Sanders waited at the door a few minutes.

Is not this mare a little mare with a ſwitch tail?—I do not know any thing about the tail, it was lame; I went to the ſtable door with my huſband when he went away.

What clothes does Mr. Wood generally wear?——Black and brown and light-coloured.

I ſuppoſe he had a great coat on that day?——I never ſaw him in a great coat in my life, he had no great coat, I never ſaw a great coat of his in the houſe.

You do not believe he had a great coat? ——I have heard gentlemen aſk him, and I have heard him ſay he was ſorry he could not lend them one; he had not one to lend; I was up two pair of ſtairs when Macmanus came, when I came down I ſaw two gentlemen in the room, I went down to the bar; the Monday after I was in town, and came home by the ſtage, when I came home he was gone to the Bull and Gate, in the town.

GEORGE WILSON *ſworn.*

I am groom to Mr. Kendall, the banker, my wife has for ſome time paſt been at the houſe of Mr. Wood, at Kentiſh Town; I remember going there on the 11th of October, about four o'clock.

Who did you ſee there, and what paſſed? —I ſaw Mrs. Sanders there about ten minutes after five.

Was Mr. Wood at home himſelf?—Yes, he was in the bar.

Do

Do you remember drinking any thing there?—Yes.

What had you?——A pint of beer, Mr. Wood had some Hollands and water, my wife made it for him.

Was she called down for the purpose of making it for him?——I do not recollect: I left there about a quarter past six, Mr. Wood was not out of my presence five minutes during the time, from four till a quarter past six.

What day of the week was it?—Monday, I am sure of it.

By what reason are you induced to be sure of it?—It was the day after Old Michaelmas day, Mrs. Wood was writing the cards for the feast, which was to be on the 12th, and I saw the 12th on the cards.

Do you remember Mrs. Sanders being there?——Yes, I did not pay any attention to any thing that passed, she staid about a quarter of an hour, and Mrs. Sanders came in about eight minutes after his wife.

Did they go away together?—I do not recollect that.

Do you recollect Mrs. Sanders paying any money to Mr. Wood?——She did pay some money for a bill for some beer.

Cross-examined by Mr. Silvester.

Your wife has lived some time at Mr. Wood's?——Yes.

Then you frequently went to see her?—Yes, two or three times in a week.

When did you first hear of this robbery?——I do not recollect.

What makes you so particularly positive to the day you are now speaking of?—It was the day after Old Michaelmas Day, and Mrs. Wood was writing the cards, which was in the middle of the week before, it was on a Friday that I saw her writing the cards.

Did you see Mrs. Wood that day, the 11th of October?——No, she was gone to town to buy fish.

Was not there a good deal of conversation between Mrs. Sanders and Mr. Wood?—I believe there was; I believe she found fault with him, I did not pay any attention to it.

It seems very odd, when you heard Mrs. Sanders find fault with Mr. Wood, that you did not attend to what passed?——I remember Mr. Sanders coming in about eight minutes after.

Did not Mrs. Sanders tell Mr. Wood, he ought to employ her husband as an apothecary?——I do not recollect that.

Do you recollect his being in your company all the time you was there?—He was once in the kitchen.

Were there many customers in the house, in different parts of the house?—I believe there was, but I did not see them.

Do you remember Mr. Wood's giving a bill to Mrs. Sanders?—No.

JANE SANDERS *sworn.*

I am wife to Mr. Sanders, apothecary, Kentish Town.

Do you remember being at the house of Mr. Wood, on the 11th of October?——Yes, Sir, perfectly well.

What day of the week?—Monday.

What time of the day?——At a quarter past five, I was going a visiting, to spend the evening with Mrs. Evans, in Chapel-row, Mr. Sanders was with me, I owed Mr. Wood a small trifle, about a couple of shillings, I went to pay him, he gave me no receipt, I did not think it required a receipt.

Do you recollect any conversation that passed between you and Mr. Wood?—Yes, perfectly well, Mr. Wood has not been long at the Assembly-house; when he come round to Mr. Sanders for his business, Mr. Sanders told him, certainly he should continue at the house; Mr. Wood had some accident and was ill, I heard of it, and I thought it unkind of him not to employ Mr. Sanders, I thought I would tell him of it myself; I do not come out of any prejudice to Mr. Wood, but merely to do justice; as Mr. Sanders thought I staid long, he came to fetch me out, he walked on the road and waited for me, he told me

not

not to ſtop. I told him I choſe to ſtop to ſpeak to Mr. Wood, who gave me change for half a guinea; I ſuppoſe I was at the ſide of Mr. Wood's bar for ten minutes or a quarter of an hour. I think I may very well gueſs the time of the day, by our going to tea; I am ſure of the time from Mr. Sanders's books, and, beſides, I am as regular as clock-work.

Are you ſure from that regularity that that was the day?——Yes, I am perfectly ſure, I have other proofs, I waſh regularly once in three weeks, and I walked with a friend to London on the 9th, and ſhe went to ſee a friend, who died in her arms on Saturday, which precedes the Monday; there is a grocer can juſtify all I ſaid of Mr. Wood being ungrateful to Mr. Sanders: I remember ſeeing a woman and a man there.

Mr. Silveſter. You are as regular as clock-work; perhaps you put down where you drink tea?—I do not.

Court. How does it appear by Mr. Sanders's books?—Why Monday the 11th of October.

You did not ſet down in the books thoſe expences for the rum and beer?—No, Sir, we did not; Mr. Sanders ſet ſome things down on the day we went to drink tea with Mr. Evans; Mr. Sanders attends the family as apothecary. I have reaſon to know it is the 11th of October, I have given my reaſon, I am very juſt in my reaſons that I paid for it the 11th of October, becauſe Mr. Wood had a feaſt the next day, and the grocer I deal with had told me on the Saturday before, when I was in town, of Mr. Wood having employed another apothecary; I am certain to the time, I have no other account of it.

Court. How does it appear by the books?——It appears to me by my being in town on the 9th of October, which was Saturday, and I paid Mr. Wood on the 11th, which was the Monday after.

Mr. Silveſter. But how does that appear?——It appears to me in my own breaſt, as you aſk me ſo many queſtions.

Then the books have nothing to do with it?——You may croſs me as much as you pleaſe, I am ſure of the time.

How do you know it was that time of the day?—I looked at my clock when I went out.

That is a remarkable thing I ſuppoſe?—I do not know that it is, I have reaſon, my girl told me I was to go ſoon, I go very early to drink tea with that lady.

The maid told you, you ſhould loſe your tea?——No.

How came you to delay at this publick houſe?—I choſe it, and I ſhould not have had an opportunity another time.

Well, but as the maid told you, you are too late, yet you ſtay a quarter of an hour at the publick houſe to pay this two ſhilling bill?——Suppoſe I did, my huſband would not think I was wrong, I do not think you have any right to aſk me.

Mr. Wood had been poorly?—He had been ill.

Was not he poorly then?—I cannot tell, I did not aſk him; I had no right to deal with him, as he did not employ Mr. Sanders.

Had he a great coat, buttoned up?—I do not know that he had a great coat on.

Was his face wrapped up?——I do not know that he had any thing about his face.

Mr. Garrow. Mrs. Sanders, if I underſtood you right, that on the Saturday when you was in town, your grocer told you that he was going to a feaſt, and that Wood had employed another apothecary?—Yes.

Then you remember that you was in town on the 9th;——Yes, Sir.

You do not go out to tea at three in the afternoon, I ſuppoſe?——I do not.

No, I thought not.

WALKER SANDERS *ſworn.*

Examined by Mr. Garrow.

I am an apothecary at Kentiſh Town; I remember going with Mrs. Sanders to Mrs. Evans's on the 11th of October, my wife called at Mr. Wood's, ſhe went in firſt, and ſhe ſtaid I imagine about a quarter of an

an hour, I went in thinking she was rather tedious, and we should be too late where we were going to tea; we went away together, when I went in I saw Mr. Wood and a woman at the bar, a Mrs. Wilson.

Do you remember seeing any other person?——I do not.

Do you recollect with certainty that this was on the 11th of October?——Yes, with great certainty.

State to the Jury, by what circumstance you are certain it was that day?——On the 10th, we dined at home, and on the 11th we had a message to invite us to tea; I had been at Mrs. Evans's the Sunday before, and she was rather indisposed, I wanted her to come and see us, she said, she could not come, but on the Monday she sent up a message, to desire to see us.

Now are you quite certain?——Quite certain, positive.

Do your books assist you?—I am perfectly sure.

What time of the day did you go out?——About a quarter past five.

Mr. Shephard. Your family and Mrs. Evans are very intimate?——Yes.

You frequently visit each other?——Yes, both before the 11th of October, and since.

Why do you recollect particularly, that you visited on the 11th of October?—We visited only once since, that was on the 19th of October.

How long afterwards was it, that you recollected so particularly you had been there on the 11th, you did not think of it every day?——No, Sir, but I have things in my book that reminded me, Mrs. Evans was poorly.

What induced you to recollect particularly being there on the 11th?——I cannot say particularly.

Did you ever positively, recollect that you had been there on the 11th till you heard of the robbery?——Yes, Sir, I did.

What induced you to recollect it so particularly?—By looking in my books.

What appeared in your books to assist your memory?——Mrs. Evans was poorly, and had a bottle of medicine on the 9th; I went to see her on the Sunday, and also on the Monday, and she had no more.

There were no medicines on the 11th?——There were no medicines on the 10th, or 11th, or 12th, but I know it in my own mind, I sent a medicine two days before, on the 9th, which was Saturday, to a young Lady there.

Mr. Garrow. Now this Gentleman asks you when you began to recollect it, I take it for granted you always knew it, and you began to recollect it when Mr. Wood was taken up?—Yes.

ROBERT FORD *sworn.*

I am a gardener at Kentish town.

Do you remember being employed by Wood at any time about old Michelmas day?—I remember I was employed on Monday the 11th of October, I was at work in Mr. Wood's garden, till it was far advanced in the afternoon, and I had finished my job about sixteen or seventeen minutes after four o'clock, I work by the day, and I charge according to my time; I did not do a whole day's work, I said to myself, a very honest three quarters of a day's work.

You say you was at work, meal times excepted?—I had my meals in Mr. Wood's house, my dinner a little after two o'clock, I saw Mr. Wood at the time I had my dinner, when I left off work I went directly in doors, and I met Mr. Wood in the passage, I told him I had earthed up his asparagus beds, and done up his garden ready for the reception of his trades-people tomorrow; the trades-people were to be there the next day; after I had done, I sat down and had some beer, Mrs. Wilson said, she should want some herbs; says I, do you want them directly, no, says she, any time this evening; I staid in the house till I heard Mr. Wood call Mrs. Wilson to get some tea, I thought it was a very early time, the clock wanted about a minute of five; Mr. Wood called again to Mrs. Wilson to make haste and get tea; as Mr. Wilson was going home, I went out to the garden for a quarter of an hour, when I came in again, there

was

was Mr. Wood and Mrs. Wilſon in the bar, and tea things, but I did not ſee them drink any tea; I went into the kitchen, I heard ſomebody come in whoſe voice I knew very well, a boy came into the kitchen, ſays I, who is that? he ſaid, Mrs. Saunders is paying my maſter his ſcore; I did not ſee her, I knew her voice, and I recollected it when the boy told me; I continued in the houſe from that time till about half after ſeven, and then I went to bed; I lodge under the aſſembly room at Mr. Wood's.

Was Mr. Wood out of his houſe for any length of time amounting to ten minutes from the time you finiſhed your work? —If ever he was out of the houſe, it was the little time I went into the garden, to get the herbs, I had the opportunity of ſeeing him, I did in fact ſee him every two or three minutes; I heard him calling the boys, Mrs. Wood was gone to London, to beſpeak ſome things for the dinner the next day, ſo he told me; I aſked him why he did not come into the garden, to ſee me do the work, and he ſaid, he was not well.

Mr. Silveſter. He was ill at that time? ——He had been ill, and continued to be poorly, I do not know what was the matter with him.

Was he muffled up?—He was, I think he had a great coat on, as he walked through the paſſage; but I will not be poſitive on it, whether he had or had nor, I cannot tell.

What coloured great coat coat does he generally wear, blue is not it?—I cannot remember any thing about it, he was ſomehow muffled up, but I cannot ſay, I cannot recollect whether he drank tea; I heard no particular complaint but that Mr. Wood was ill, he did not come into the garden to me.

You do not recollect the colour of his great coat?—I do not remember any thing particular, I do not know that ever I ſaw him wear a great coat.

JOSEPH MERETON *ſworn.*

I am a day labouring man at Kentiſhtown. Do you recollect in the month of October, working for farmer Hedges the 11th of October, or within a hundred yards of Mr. Wood's houſe; where did you bait?—On the 11th of October, I had ſome bread and cheeſe in my pocket, and when I was hungry, I went in for a pint of beer; I went in at nine and at twelve, and Mr. Wood was ordering his tapſter to get ſomething for dinner the next day, one article was a bottle of ketchup; I ſaid, I had ſome very good, I could help him to ſome, he ſaid, when can I have it, I ſaid, this evening; I went to carry it, and his clock ſtruck five while I was in the tap room; I called for a pint of beer, and ſtaid and drank it in the value of four or five minutes; I ſaw Mr. Wood, and wiſhed him a good night, and he ſaid, my wife is not at home, ſhe will pay you when you call again, I do not pay for theſe things; I ſaw Mr. Wood, and ſpoke to him.

What day of the week was this?—— Monday.

What induces you to remember it was the 11th of October?—Old Michaelmas-day was on the 10th, and we poor Warwickſhire folks have a feaſt.

Mr. Garrow. You Warwickſhire wags have a feaſt?—Yes, we keep a feaſt at the firſt public houſe, we keep that day in *preſerve.*

Court. Had you kept Old Michaelmas day?—It was ſabbath day, we only went and had a pint or two of beer together, three or four that came from Warwickſhire.

Mr. Silveſter. How nigh was the 11th of October, to Old Michaelmas-day?—— Why, one was next the other.

You are very ſure it was?—Yes.

Did he tell you why he wanted the ketchup?—For the feaſt.

What feaſt?——I cannot tell.

RICHARD MEUX Eſq; *ſworn.*

I have known Mr. Wood from July 1781, he has dealt with me as his brewer.

What has been his general character as to oneſty?—Exceedingly fair and candid, In ever was at his houſe; but our clerks always

always made a report of him, as a very honeſt and induſtrious man; and he was a man that I have given credit to, to the amount of five or ſix hundred pounds, I always looked upon him as a man of property.

GREGORY BATEMAN, Eſq; *ſworn.*

I live in Kentiſh town, I have known him ever ſince he kept the Aſſembly room, he is a tenant of mine; I have that opinion of him, that had he come to me, I would have lent him twenty or thirty pounds; the Gentlemen of the village meet there every week.

The Rev. Mr. WHITCHURCH *ſworn.*

His character was generally fair, as far as it particularly may have fallen under my obſervation, I have heard nothing amiſs of him.

Mr. PARKER *ſworn.*

I have known him ſix or ſeven months, he ſeemed a very honeſt induſtrious man.

Mr. PARS *ſworn.*

I have known him near four years, his character was as good, as ever I knew a man in my life, I ſerve him with brandy; he is as honeſt a man as ever I dealt with.

Mr. MURRELL *ſworn.*

I have known him about a twelvemonth, he has an extraordinary character, I appraiſed him into the houſe, and ſaw him pay down three hundred and fifty pounds for the goods.

Mr. BROUGHTON *ſworn.*

I am a fiſhmonger, I have known him but a very little time.

Do you remember the day before his feaſt, his wife coming to you?——Yes, on Monday the 11th of October, I dined there on the 12th, and Mr. Wood was at home all the time attending his company on the 12th.

FOR THE PRISONER BROWN.

EDWARD GREEN *ſworn.*

I live in Theobald's-road, No. 40; in the neighbourhood of Brown's houſe, I have known the priſoner at the bar, ever ſince he was born; I have uſed his mother's houſe forty-one years, the ſign of the King's arms, in Chapel-ſtreet, I was at that houſe on the evening of the 11th of October, I never miſſed one night in the year, I do not ſuppoſe I have miſſed it two nights theſe twenty years, I recollect in particular being there on the 11th of October, becauſe I never miſſed a night, I go there about a quarter of an hour after five; I ſaw the young man at the bar, Brown, on the 11th of October, I ſaw him as I went through the kitchen, ſitting by the fire; I called for a pint of beer, and in about half an hour after he came into the room where I was, and fell aſleep.

Did you ſee the ſervant of the houſe there?—Yes, he came in, and ſat with his ſide to the fire; I ſays to the girl, George will cut but a poor figure in the club, this was a lottery club; I ſaid to the girl, I believe George is done enough on that ſide, get a bit of butter and baſte him.

How long did he continue there?—But a very little while, the maid deſired him to go to bed, and went away with him to get him to bed, as I underſtood; it muſt be paſt ſix, I had been there near an hour; I am ſure he was there at that time.

How do you recollect it was the 11th of October?——Becauſe there was a lottery club, I do not belong to it.

Have you any doubt whether it was the 11th of October?——I have no doubt, I cannot miſs a night, becauſe I am there every night.

But are you ſure, that particularly on that night, the priſoner at the bar was there?——Yes, I am ſure he was, I have known him from his infancy, and have dreſſed him many times, he was always a down-right honeſt lad.

Mr. Silveſter. It is certain you was there?——Yes.

You never miſs a night going to the Alehouſe?——No Sir never.

What are you?——A ſtay-maker, at No. 40, Theobald's Row.

How often does this club meet?—Once a fortnight, I do not belong to it.

What was there particular about his being at home that night?——On account of the Club.

Is not he at home every night?—Yes, very ſeldom miſſes, he may go out, he came and ſat by me after I had been in the houſe pretty near an hour.

Where he had been before that time you do not know?——No, about ſeven the maid took him to bed.

Was that his uſual time of going to bed?——I cannot tell his time, he went away for the purpoſe of going to bed at ſeven or thereabouts, he was in company with me about half an hour.

How was he dreſſed?——In a browniſh coat, a drab colour'd coat, a ſtrait bodied coat, an under coat.

Was he tired?——I do not know.

Court. Had he boots on?——I believe he had.

HETTY OWEN *ſworn.*

I am ſervant to this young man's mother, I have lived in the family about ten months, there is a lottery club meets at our houſe once a fortnight, always of a Monday night, I recollect it met on the 11th of October.

Do you remember whether the priſoner at the bar was there?——Yes Sir, he was at home but not at the club, the club met generally about eight.

How happened it that he was not at the club?——He was rather intoxicated in liquor, and did not chuſe to go in.

Where was he when the club met?——He was in bed, he went to bed about ſeven, or a little after.

Do you remember ſeeing Mr. Green there?—Yes, Brown went into the room to Mr. Green, and ſat down ſome time with him, and he dropped aſleep, he was rather near the fire, and Mr. Green ſaid to me, you had better bring a lump of butter and baſte George, for he is roaſted enough on that ſide.

What time in the evening might that be?——That was about ſix, as far as I can recollect.

How long had he been ſitting there before that time?——The value of half an hour.

How ſoon did he go to bed?—About ſeven, I am ſure this was on Monday the 11th of October.

What is it that makes you ſure of it?—I recollect his coming in about a quarter after three, we had all dined, and he had a red herring for his dinner, and my miſtreſs told him he need not have a red herring, for ſhe thought he had had liquor enough, without eating herrings to make him drier.

Did he continue in the houſe from that time?—He never was abſent from his mother's premiſes till the time he went to bed.

Is the young man uſually at home in his mother's buſineſs?——Yes, he is, he officiates as maſter; he continued in the buſineſs, till he was taken up, ever ſince I was in the family.

Mr. Sheppard. What day was the meeting of the club?—I cannot ſay what day of the month.

What day of the month was the meeting before?——There was no club held the night before, and both the nights were held on the 11th of October.

What became of him between the time of his dining and this time?——After he had done, the hoſtler came in and aſked him to drink a pint of beer with him, he came in about five, and the hoſtler went into the ſtables, and he directly went into the back room, and ſtaid there with Mr. Green, and never was abſent.

Had he been out on horſeback that day?—Not to my remembrance, he was not in the afternoon; the hoſtler might ſtay three quarters of an hour, and then he went in to Mr. Green, I was about the houſe about my buſineſs.

And you say positively that he never was absent not three minutes the whole afternoon?——He was not, my business is no further than the back room and the kitchen.

WILLIAM WEST *sworn.*

I am a hostler, I know the prisoner Brown very well, I remember being at his mother's house on a Monday in October; I remember seeing him in his mother's house on the 11th of October, the first time I saw him I recollect I came through the passage in my way to the kitchen, to see what it was o'clock, to water my horses, and I went into the kitchen with a half-penny-worth of apples, and asked him to eat one, and he knocked the apple out of my hand under the grate; then I called for a pint of beer and asked him to drink, this was about four, or between four and five; I suppose I staid half an hour, or three-quarters of an hour, in his company in the kitchen.

Did he appear to be perfectly sober, as he is in general, or was there any thing particular in his appearance?—As far as I could see of him, he seemed to be rather intoxicated with liquor; I saw him again in the course of the evening, I staid till about five, and then went to water my horses at my usual time, between four and five, and about five, or half after, I came in again, and went to look at the dial, which I generally did, there was a lame gentleman, a stay-maker, his name is Green, as they tell me, that is the man; Brown was then sitting in a sleepy posture when I went to see what it was o'clock, I shut the door immediately; I was there as near as I can guess about a quarter before seven, and saw him in the back part, between the back room and the wash-house, he seemed to say he was going to bed, the maid servant was with him.

Mr. Silvester. Who are you hostler to?—I was hostler to Mr. Farren, a gentleman that rents stables on these premises; the publick house is a house that my master used always; Mr. Farren keeps horses to let out, I have lived with Mr. Farren three quarters of a year, I have used this house every evening, I knew Mr. Green very well by person, and by name as I have heard say.

Did Brown hire horses of your master?—I never knew the prisoner hire a horse of my master, he had not that day to the best of my knowledge.

Had he boots on?——Not as I know, I did not take any notice about it, I came in at four, and again at five, because I mistook the clock; in October I water the horses between four and five.

What made you know the day?——No further than I heard the men in the lottery club talking of it; they met about half after seven or eight.

What was Brown dressed in?——In a kind of a light coloured coat, a close bodied coat.

JOHN BAGGELLEY *sworn.*

I have known him ever since he was born, he lives at home with his mother; I have used the house for these twenty years, and have had an opportunity of observing his conduct, I have seen him always very attentive to his mother's business, I never heard the least suspicion of his character.

Mr. DUKE *sworn.*

I am a musical instrument maker in Great Ormond-street, I have known him from his petticoats, he has as good a character as ever I heard of any man in my life.

Mr. LUNN *sworn.*

I am a coal merchant, I have known this young man, Brown, sixteen years, his general character as to honesty has been good, I never heard an impeachment.

Mr. Garrow. My Lord, a great many more respectable witnesses are ready.

THOMAS WOOD, GEORGE BROWN, } NOT GUILTY.

Prisoner Wood. My Lord, and Gentlemen of the Jury, I beg leave to return you my most sincere thanks.

Tried by the first Middlesex Jury before Mr. BARON HOTHAM.

5. CHARLES

5. CHARLES STONE was indicted for feloniously ſtealing, on the 31ſt day of July laſt, five pair of ſilk and cotton ſtockings, value 30s. the property of Joſeph Thelwall, privily in his ſhop.

JOSEPH THELWALL *ſworn.*

I keep a hoſier's ſhop in St. Paul's, Covent Garden; on the 31ſt of July I loſt five pair of ſilk and cotton ſtockings, mixt, I loſt them out of my ſhop, it is an open ſhop, I ſell by retail; I was not at home at the time of the robbery, when I came home at nine at night, I found the houſe had been robbed, and the priſoner committed; I know nothing myſelf againſt the priſoner.

WILLIAM CHARNOCK *ſworn.*

On the 31ſt of July, on Saturday evening, I had been into the city on a little buſineſs, and as I was on my return, I was accoſted by a gentleman in the middle of the ſtreet, he ſaid if I would ſtop a minute, I ſhould ſee the ſhop-lifters, I was accoſted oppoſite a butcher's, at the beginning of New-ſtreet, Covent-garden; I went with him, and ſaw two men in Mr. Thelwall's ſhop, it was candle-light, I was about a dozen yards off; the priſoner was not one of the two; there were three or four men, and the priſoner was one of them, they ſtood at the turning of the corner in King-ſtreet, he was looking through the window, and in about ſix minutes he went right into the ſhop; theſe two men were in the ſhop, looking at different things on the right-hand counter; there were two women behind the counter, I ſaw the priſoner go behind the counter and take this bundle of ſtockings, he concealed it under his great coat, that he had acroſs his arm.

At what diſtance was you?—I was ſtanding on the oppoſite ſide of the way.

Could you ſee the priſoner's face?—Yes, he walked immediately from thence to two men that were by the counter, and put his head between the two men's ſhoulders, then he turned his face, and was coming out; I ſaid to the gentleman that was before me, that it was a ſin that he ſhould go out with the property. I immediately ran and took hold of his collar, he dropped the ſtockings on my ſhoe, and ſaid the other man had got them in his poſſeſſion, and they turned round and gave him ſome abuſive language; the other man ran off: the gentleman came to my aſſiſtance about two minutes after I had hold of him.

(The ſtockings produced and depoſed to.)

Proſecutor. I know them from the mode of their being done up, and marked with my own hand writing.

What is the value of them?——Thirty ſhillings they coſt me.

Priſoner. In what manner was the ſhop ſituated? he ſays he ſtood on the other ſide of the way; whether or no there was a light in that window?—Yes.

Was there two counters or one?—Two counters.

Was there any light at the counter where you ſaw me take the bundle from?—No.

PRISONER's DEFENCE.

My Lord, I hope you will take it into conſideration, I had been to one Mr. Thompſon's, in the Haymarket, coming down New-ſtreet, I called for a hair ribbon, I went into this ſhop for one, and there were three people in the ſhop; I had not been in the ſhop the ſpace of two minutes, before two men came in and ſaid there were thieves in the ſhop, and immediately the other people ruſhed out of the ſhop; I never offered to run away, they took me, and ſaid I had taken ſomething, I ſaid I had not; he took the candle off the counter, and found the ſtockings on the ground by the door; I have not a friend in the world.

GUILTY

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

6. THOMAS

6. THOMAS CHAPMAN was indicted for feloniouſly ſtealing, on the 24th of September laſt, one weather ſheep, price 20s. the property of James Gomm.

JAMES GOMM *ſworn.*

I am a farmer at Shepherd's-buſh, I loſt the ſheep on Monday night the 25th of September, I know no further, my bailiff told me ſo.

THOMAS GOFF *ſworn.*

I manage Mr. Gomm's farm at Shepherd's-buſh.

Does Mr. Gomm rent the farm, or is it his own?—Rents it, it is about a hundred acres; there were many weather ſheep upon the farm, they were intended for the butcher; I loſt one on the 24th of September, I miſſed it in the morning; the ſheep were marked G. D. George Dolling is the name of the man they were bought of; they were bought about ſix weeks before, down in Berkſhire; I ſearched after the ſheep, and found the blood in the place where he was killed, in the ſame field where he had been; I looked after the ſkin and could not find it, and I was looking after the entrails, and the priſoner watched me about, that gave me a ſuſpicion of him; the priſoner lived in a houſe adjoining to my maſter's field, near by the farm; we had two men threſhing in the barn, near the houſe, about fifty yards diſtant; I went and told the men, and got a warrant and ſearched the out-building of the priſoner's houſe, and the houſe, and found this bag, which had a patch upon it, and the mutton was in it, cut into quarters.

Court. Was the mutton warm or cold?—It was cold, it appeared to be freſh cut; the head and ſkin my brother found; the priſoner was gone to London when his houſe was ſearched. It was a weather ſheep.

How near was his houſe to this out-houſe?——Adjoining, all under one roof.

What time of the morning did you find it there?——About eleven o'clock.

GEORGE GOFF *ſworn.*

I am brother to the laſt witneſs, I was threſhing with another man in the barn, on Saturday the 25th of September, I began work between five and ſix, and whilſt I was working there, I ſaw the priſoner bring out a bag, that was between ſeven and eight, I ſaw him carry the bag out of his own houſe, into the ſtable, and put it down; I was between forty and fifty yards off; he carried the bag into the ſtable, the out-houſe adjoining to the dwelling houſe, I ſaw a patch upon the bag.

Could you ſee whether the bag was empty or full?——It appeared to have ſomething in it.

Had you, before your brother came and told you the ſheep was loſt, any ſuſpicion?——No.

How ſoon after you ſaw him come out of his houſe with a bag, was it that your brother came and told you that there was a ſheep loſt?—My brother came juſt after, and I told my brother, I ſuſpected the ſheep was in the bag, my brother got a ſearch warrant, and went into the out-houſe to ſearch for it, in the courſe of the afternoon I found this bag, and the fleſh of a ſheep, *(the bag produced)* there were four quarters of mutton, and ſome ſtakes cut off the loin, two loins were cut together, this is the bag, the priſoner was not at home when we ſearched; I found the ſkin directly behind his houſe, in a meadow of a Mr. Jones's premiſes, which the priſoner lived in, about a hundred yards from the priſoner's houſe or not ſo much, *(the ſkin produced, marked G. D, and depoſed to by the other witneſſes)* we tried the ſkin to the meat, and it all joined; the head was not ſtripped.

Thomas Goff. The head is not here, but it was ear marked, ſlit on the near ear.

Priſoner. George Goff ſwore they found the meat on my premiſes, which it was not, it was on Mr. Jones's premiſes; my wife lay-in, I juſt come out of the country from harveſt, I ſtaid at home two or three days, Mr. Jones was in the country, and Mrs. Jones

Jones desired me to come a day or two to work; I have no stable, nor a yard of ground but a little garden.

Court. In whose stable did you find it? —In Mr. Jones's stable, but the prisoner had the key of it for several days.

Court. Was it locked?—No.

JAMES PHARO *sworn.*

I was with the last witness, I am a constable, the mutton was found in that bag.

Prisoner. I set off in the morning on the Friday.

Court to Thomas Goff. You say he was sauntering about, how long did you observe him?—About two hours, from six to eight, he was not gone when I went to the barn, and when I came back from the barn the last time, he followed me down the lane, with the bag on his back; and I followed him up to Kensington Gravel-pits, and had him stopped and searched; and there was a double Gloucester cheese, and two meal-man's sacks, which he said, he was going to town with.

Prisoner. My Lord, I went with the horse and cart on Friday morning, I went to fetch a load of *taters*, it was eleven at night, before I came home with them, Mrs. Jones sent me when I had done my business, I set off to come home directly, I did not get up till the next morning near eight, and I got water in for my wife from the ponds; I had to go to town next day for two sacks of *taters* and I had a cheese, it was sent me up out of the country; I thought I could sell it, as it was a fine cheese, and I wanted the money; and buy some broken cheese that would do for me; I followed the witness down with the bag, there was a sow suckling some little pigs; says I to my wife, my dear, if I am not home time enough, do put the sow to the pigs, and she hung the keys on the door she had not locked it, and when I came home, I did not go in to lock it that night, and I was never in the stable till the next morning, that I went to let the sow out; the keys hung upon the lock, the door had not been locked all that night, because I came home so late, I went to bed directly; he followed me to Kensington Gravel-pits, and asked me what I had in the bag, I turned round and thought, Mr. Goff said I, I will turn the cock out of the bag, if you think I have any thing of your's; I shot the bag on the ground, and went to town and did my business, and at night as I was coming home, they stopped me, and brought me in a coach to Hammersmith; I never saw any thing at all of the sheep, or any thing of the kind; I am as innocent of it as the child that is to be born.

Thomas Gomm. I saw the prisoner in the morning washing his house, which I never saw before.

Court. Did his wife lay in at the time?—Yes.

How many children has the man?—Three.

What has been his general character?—He had been at home three weeks, and had never done a day's work.

THOMAS ARNOLD *sworn.*

I have known the prisoner about three years, I am a gardener, and in the farming way; I never heard any harm of the prisoner, he lived by me two years and an half.

How old is the prisoner?

Prisoner. I am thirty six, I have worked hard.

JOHN BARROW *sworn.*

I have known him three years, I never knew any misdemeanour of him, he was my near neighbour.

SARAH BURRIDGE *sworn.*

I have known him eight or nine years, I never heard any thing amiss of him before.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice WILLES.

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7. ANDREW SIMMS (a Negro) was indicted for feloniously stealing, on the 3d day of December, eight silver table spoons,

value 30s. nine silver tea spoons, value 5s. four silver salts, value 2s. one Bath great coat, value 2s. one pair of boots, value 5s. one pair of shoes, value 1s. one cane, value 1s. the property of John Randall Grimes, Esquire.

JOHN RANDALL GRIMES *sworn.*

On the 3d of December, I lost the things mentioned in the indictment; they were in a cupboard, I do not know when I saw them before, this man was my servant he had the care of the things, and on the morning of the third, he came home having slept out all night, and in a very few minutes he went out; in about an hour or two hours after, which we thought a very odd circumstance, it was found he had carried his clothes with him, then I suspected his having taken those things he had in his charge; and on looking in the cupboard, I found they were not there; he did not return, I advertized him with a reward of five guineas, and in about a fortnight he was taken; a few of the things were recovered; before the Justice he acknowledged the stealing the things, I was present.

Was it reduced to writing?——It was not.

Was any thing said to induce him to confess?——Nothing at all, he confessed freely and honestly, and carried me to every place where he had sold the things, the shoes were found upon him and the cane; I recovered the boots, he carried me to the Jews where he had sold the plate, and we laid a very close siege to him, but never could catch him.

WILLIAM VAUGHEN *sworn.*

I took the prisoner in the Little Minories, I do not know the day, I found this cane upon him.

Court to Prosecutor. Do you know the cane?——I would not chuse to swear to the cane, I swear to the boots.

GEORGE SAUNDERS *sworn.*

I live with Mr. John Winne, in the Back Lane, in St. George's in the East, the prisoner bought these boots to sell, I cannot exactly tell the very time, it was about four days before he was taken up, I gave him half a guinea for them, he said he had them made for him and gave a guinea and a half for them.

(The boots deposed to by the Prosecutor)

Prisoner. I did not take the plate. Have you any body to give you a character?——My master is the only one that knows me.

Court. How long had he lived with you?——I have known him for ten or twelve years, I knew him in America.

How had he behaved?——I do not think he was a good character, but I would not chuse to say any thing against him.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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8. JOHN JEFF was indicted for feloniously assaulting William Limby, on the King's highway, on the 23d of September last, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one half yard of brown linen, value 6d. and one cloth cloak, value 2s. the property of George Yarnol.

Court to George Yarnol. My little boy, what church do you go to?——St. Andrews.

Can you say your Catechism?—Yes.

Can you say the Lord's prayer;—Yes.

Do you know the consequence of telling a lie?——Yes.

What is it?——I shall go to the devil.

To Prosecutor. What is your apprehension of losing the evidence of this boy?—He was put out of the way last sessions and I was bound for the appearance of the boy, and at the last sessions they got him away, and I am doubtful they will get him away again.

How

How long has the boy been in your custody?——About a week, even the boy's parents were at the justices.

Prisoner. They would not give this lad leave to send for his friends, and this man has taken the lad into custody.

Court. You must make an affidavit, let his trial come on in the afternoon, unless he makes an affidavit that will satisfy the Court.

Prisoner. I have a letter from a gentleman at Chelmsford.

Court. Where is the letter?—I have it not with me.

Is it in Newgate?—No, Sir, it is not.

Court. Go on with the trial.

The witnesses examined apart at the request of Mr. Silvester, Prisoner's Counsel.

DIANA YARNOL *sworn.*

I am wife of George Yarnol, I know this little boy, my husband at times does work for his father in law, I delivered the little boy my cloak on the 23d of September, the cloak was pinned in a bit of brown linen, it was a Bath beaver cloak lined in the hood with black, and bound with black ermine, I gave it to him to carry it to a gentlewoman, one Mrs. Turner, in Poole's Buildings, in Mount Pleasant, Cold Bath Fields, I gave it him the 23d of September about nine at night, I live in Maiden lane, the child lives in Brooks Market, and he had to go back and I got him to take it with him, and carry it home the next morning, I gave him a particular charge not to carry it home that night, about a quarter of an hour after the boy came back and begged me to go to the watch-house of St. Clements, to take the cloak, as the man was in custody.

JOHN CROWTHER *sworn.*

On the 23d of September about nine in the evening coming a long Portugal-street, Clare Market, I heard the cry of stop thief, and I saw the prisoner running with this cloak under his arm, and the little boy William Limbey after him crying stop thief, I saw the prisoner gain ground of the boy, and I having a load on my back cried stop thief, the people run out of the Market and took him just as he run round the corner, I saw him taken, he was not out of my sight; when I cryed stop thief, he threw the cloak on the ground, I saw him throw it down and I went and picked it up, this is the cloak.

The cloak deposed to, being the property of Mrs. Elizabeth Turner.

Mr. Silvester took the objection that the cloak was not the property of Mrs. Eliz. Turner.

Mr. Justice Willes. The woman delivered this cloak to carry to the owner, but till the boy had delivered the cloak it was in the possession of the woman, the boy was the servant of the woman, and any thing like possession is sufficient, he is a servant for that purpose employed to carry home the cloak.

WILLIAM LIMBEY *sworn.*

Where do you live?——In Dorrington-street, Brooks Market.

Who do you live with?——With my mother and father in law.

Do you remember getting a cloak from Mrs. Yarnol?——Yes.

What was you to do with that cloak?—To take it to Mount Pleasant, in a Court, I forget the name, and coming along Portugal-street I was crossing the way, and there was a coach coming by and I saw the prisoner behind me, I was making way for him, and he gave me a push on the head and I tumbled down, and he took up my bundle and run away.

Did he ask you for your bundle?—No Sir he never spoke to me.

How soon was he taken?—About eight minutes after.

Mr. Justice Willes. Goods that were stolen from from a washerwoman have been laid to be the property of her husband; this boy was servant to the woman and the woman's possession was the possession of her husband.

Mr. Silvester. Was there any force to knock you down?—No, no force, he only just touched me over the head, and I slipt over the stones.

Was

Was there any violence uſed againſt you?——No.

Was you frightened at all?——No Sir, I was not frightened a bit.

Court. What did you fall forward?——Yes.

Mr. Juſtice Willes. You fell by the puſh he gave you, did not you?—Yes.

You would not have fallen if he had not given you that puſh?——No, he juſt touched me and I ſlipt over the ſtone.

Priſoner. I leave it to my counſel.

JOSEPH GIFFORD *ſworn.*

I have known him ever ſince 1781, he was a maſter butcher then, I always found him a very honeſt man, I never found any thing to the contrary.

GUILTY.

Of ſtealing, but not of putting in fear.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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9. THOMAS BOLTON was indicted for burglariouſly breaking and entering the dwelling houſe of Daniel Cook, about the hour of two in the night on the 6th day of May laſt, and burglariouſly ſtealing therein one ſilver pint mug, value 50s. one ſilver ſaucepan, value 15s. one ſilver ladle, value 25s. three ſilver table ſpoons, value 10s. three ſilver tea ſpoons, value 4s. one wooden caſk, value 2s. and five gallons of brandy, value 50s. his property.

DANIEL COOK *ſworn.*

I live in Uxbridge, I am a brewer and diſtiller, my houſe was broke open on the 6th of May, between eleven and four in the morning; I went to bed between ten and eleven, and aroſe about ſix, I did not miſs the plate till about eleven, the plate had been left in the kitchen, one of the caſements in the kitchen juſt by the pump was taken out.

Did you happen to ſee whether that caſement was faſt before you went to bed?——I cannot ſay.

What did you loſe?—I loſt the things mentioned in the indictment, I found them the 22th of laſt month at Marlow, the priſoner brought them to me, he was then in his father's houſe, he fetched them out of his own houſe.

How came you to ſuſpect him?—I went in ſearch of him, and I found him in his father's houſe, and he ſaid he would go and fetch me what plate he had; he worked with me between Michaelmas and Chriſtmas, but he never lodged in the houſe, I employed him as a porter, he left me at Chriſtmas, I never employed him after; I never ſuſpected the priſoner until one Hilſey, who is turned King's evidence, told me the things are here.

FRANCIS MOSS *ſworn.*

I was with the proſecutor at Marlow at the taking this priſoner, the priſoner brought them and delivered them to the proſecutor, I ſaw him.

(The things depoſed to.)

They have my marks on them, I bought them about four or five years ago, at Mr. Pinkett's on Ludgate Hill, and others were my wife's ſiſters, they were all marked.

RICHARD HILSEY *ſworn.*

The priſoner at the bar and I, went together to Mr. Cook's houſe, he conveyed me to Mr. Cook's houſe to go after ſome liquors, then he ſaid he wanted ſomething elſe, it was the latter part of the winter; after we had got the liquors, he ſaid we had ſomething elſe to get, he pulled off his coat and waiſtcoat and hat, pulled open the window ſhutters, and opened the caſement.

What time of the night was it?——Between the hour of one and two in the morning, and he gave me this mug out of the window in my hand, and he went in and fetched

fetched some spoons and gave to me again, and likewise a saucepan and a pair of boats, after that he went in again, and I heard a bell ring, and I told him to come out, which he did, and shut the windows up again, after that we made the windows fast, and we went and put the door upon the hooks which we opened, and went to my house, then he gave me a couple of spoons and a silver saucepan, and he took some spoons to himself, and a mug, and a little tub of liquor, then he went away and I never saw him again.

How came you to tell this?——Because Justice Fellows told me if I knew any thing to acquaint him of it.

What way of life are you in?——A labouring man.

How long have you been acquainted with him?—I believe I saw him a year ago.

Where does he live?—In Great Marlow in Bucks.

Prisoner. I never saw the man in my life.

Hilsey. Yes, he has seen me several times in company with one William Bradbury, and likewise at the Horse and Groom in Uxbridge.

Prisoner. I found the things under a hedge.

GUILTY.

Of the Felony, but not of the Burglary.

To be confined six months to hard labour in the House of Correction.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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10. ALEXANDER M'DONALD was indicted for feloniously stealing on the 25th day of November last, one pair of silver shoe buckles, value 50s. five linen shirts, value 50s. two pair of cotton drawers, value 6s. the property of Henry Churchill, Esq. in the dwelling house of Charles Churchill, Esq.

HENRY CHURCHILL, Esq; *sworn.*

The prisoner lived servant with me about a week, I had discharged the prisoner that morning, and upon some information I sent for him, but he did not come, I then sent to bring him by force, upon which he was brought to me, and in his presence Thomas Archer said he had dropped a pair of buckles, which they brought in; on the landing of the stairs; I asked him why he took away the buckles, he said he had got them that evening from Gray's, in Bond-street, where I had sent them the evening before to get the plate put in; I told him that was impossible, as they had been brought home some days before, I paid the bill; I then told him I did not wish to be troubled, I had got the buckles, and he might go about his business; he very insolently told me he would not, I ordered him to be turned out, he knocked the watchman down under the bannister of the stairs, it was then thought proper to send to his lodgings to have them searched; after I had discharged him I understood he came back three or four times, on some pretence or other; a bundle was brought from his lodgings, in which was five of my shirts, and two pair of drawers, I then wanted to turn him out of the house, he swore he would not go out, and beat and abused the constable and patrol, and they then told me, if I chose to let him go, they would take him to the watch-house; since that time I have had bundles brought to me of laced waistcoats and stockings, and other things that were not in this indictment.

Prisoner. Whether Mr. Churchill was not all that time on the settee in the dining room?

Prosecutor. I was lame, he called out I want to speak to my master, I will speak to my master, you shall not force me out of the house; I went to the door, lame as I was, and said what have you to say? I saw him take hold of the banniſters of the stairs.

THOMAS ARCHER *sworn.*

I went to the public house after the prisoner.

Court. You told Mr. Churchill that you supposed he had taken the buckles, what made you think so?—The reason I had

had was, a young man a fellow ſervant of mine took them out of his pocket; he took them out in the hall above ſtairs, the priſoner came to drink with us before we parted, my fellow ſervant's name is Charles Taylor, when he found my fellow ſervant had taken the buckles of his pocket, which he had no reaſon for, I believe it was a meere joke, as I ſat by the ſide of him he took them out, then the priſoner ſnatched them out of Taylor's hand and ſtruck him; the priſoner put the buckles in his right hand pocket again, he ſaid nobody ſhould ſee them, his coat dropped down from under his arm, and Mary Archer took out one buckle after; I was preſent and ſaw it, then he ſnatched the buckle out of her hand, and it ſcratched her hand as he ſnatched it out; I told him I would not have any confuſion in the houſe, he had better go to the publick houſe and have a pot of beer, and I would come to him immediately; he accordingly went, I went and told my maſter, I then went to the publick houſe to him, and told him my maſter wanted to ſpeak to him, he ſaid he would not come till the next morning; my maſter not being able to go, he got his brother to go to the publick houſe, I went with him, and the priſoner came with us, and the watchman and patrol; when we brought him to the houſe, he made an attempt to get out at the glaſs door which is behind the houſe, and the watchman ſtopped him; going up ſtairs, he put his hand in his right hand pocket and pulled out the buckles, and put them into his breeches, I was cloſe to him, and ſaw him.

Could you ſee what he had in his hand?—I obſerved they were buckles, I told him it was of no ſignification to put them there, I was ſure they were the buckles; he took them out immediately, and put them on the banniſters by me, I took them up and carried them to Mr. Churchill, and he ſaid they were his property; I knew the buckles, I have them *now*, they were in a bit of paper, theſe are the ſame buckles.

(The buckles handed to Mr. Churchill.)

Court. By what circumſtance do you know them to be your's?——By the ſize and pattern.

Is it poſſible to know a ſilver buckle, they are a pattern a good deal in uſe now?—I do not know, I have no doubt of their being mine.

What did the priſoner ſay about them?—I aſked him how he came to take them away, he ſaid he had them from Gray's that evening, he did not deny their being mine at all.

Court. Who went to his lodgings?——The watchman.

How were his lodgings found out?——He told me were he lodged the day he left Mr. Churchill; the publican came with him, we brought four ſhirts and two pair of drawers, they are now in the poſſeſſion of the publican; after that he was carried to the watch-houſe, and to a Magiſtrate.

MARY ARCHER *ſworn.*

Charles Taylor was ſitting by the fire-ſide, by the priſoner, and he put his hand into his pocket in a joke, and he pulled out a pair of buckles, then the priſoner took the buckles from him, and put them in his right pocket, and ſtruck Taylor; he wrapped up his coat, and ſaid nobody ſhould ſee them, and he dropped his coat again, and I put my hand and took out one of the buckles, and he ſcratched my hand in taking it away; I thought then they were my maſter's buckles, becauſe he ſeemed to be ſo angry, and I ſaw them about a fortnight before.

CHARLES TAYLOR *ſworn.*

We were all ſitting in the hall together, and in a joke I put my hand into his pocket, and brought out theſe buckles; at the inſtant he miſſed the buckles, he got up and ſtruck me, he catched them out of my hands, and put them in his right-hand pocket, I did not know whether he was angry or no, I took it as a joke; I ſaw him take the buckle from Mary Archer.

JOHN

JOHN KETTLE *sworn.*

The prisoner came at four o'clock, and asked for Thomas Archer, I am a publican, I told him he was not there, I thought he might be up at the tables; he then said he was discharged by his master; I said I was sorry for it, he says, will you oblige me with a lodging to night, I am engaged with a gentleman for forty guineas per annum, to wait on him at nine o'clock; I said if he could lay with my little son, he said with all his heart; he came to my house about half after ten at night, and asked for a pot of beer, he said somebody was coming, he waited there about 15 minutes, at last Thomas Archer came, and desired him to come to his master, he did not go at his request; soon after the Captain's brother came, and then he said he would go; I saw no more of him till the watchman came to ask if he had any property in my house; says I, why, what is the matter; O, says he, I am afraid there is a robbery in the house, I said, God forbid! the prisoner about four in the morning, when he came to engage the lodging, desired me to take these things, to take care of.

Did he give them you as his own?——I understood it so; this is the bundle he gave me, I left it in the house with some of the family, the bundle was opened that night, and there were four shirts, and two pair of drawers, and this dirty handkerchief, they looked at them, and said they were Captain Churchill's property; I did not look at them that night.

In whose hands did you leave that bundle?—I cannot say.

Archer. I had it in my care all night, I locked it up, the next morning I gave it to Kettle again.

Court to Prosecutor. Have you ever seen the buckles after they came home from Gray's?—I cannot say I have, they brought in the bill and told me they were come, the prisoner did not take them in; my things were under his care.

Archer. I took them in from Gray's man.

How came the prisoner not to take them in?——He was not in the way; this was three or four days before he was turned off.

Where were these shirts kept before they were lost?——They were kept in a side closet.

What may be the value of these buckles?—Near three guineas.

What may the value of the shirts be?—I cannot say, there are three of them that are new, they are fully worth the price charged in the indictment.

Prisoner to Kettle. What did I say to you when I gave you the bundle, did I tell you they were mine or my master's?—Neither, he asked me for the bundle again at ten, then he hung them into the kitchen window.

PRISONER's DEFENCE.

In regard to the shirts, they were in my possession, and not out of it; I took the shirts till mistake of my own shirts; I the buckles I had for four days in this great pocket which I have on, my drawing coat: I was determined to come the next morning, and beg the favour of a character, and bring back the shirts; I neither took the buckles or shirts with intent to defraud the Captain: the gentleman that recommended me to Captain Churchill is out of town, which is Lord Mountmorris's brother; I have very little acquaintance; Captain Churchill will be so good to tell the character I had.——

Prosecutor. My Lord Mountmorris's brother knew him in Ireland, he would not send me to Mrs. Jeffries.

Prisoner. She was not in town; I did not think Captain Churchill would bring my trial to so great a heighth, I thought to have a lawyer, could get plenty of characters from Mr. Agar, in the Temple, and from Mr. Osborn, in Brompton-row; the buckles I found in a window, rolled up in a piece of paper.

GUILTY.

Of stealing, to the value of 40s.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

11. WILLIAM STEWART was indicted for burglariously and felonioufly breaking and entering the dwelling houſe of William Maſterman, Eſquire, about the hour of two in the night, on the 18th day of October laſt, and burglariously ſtealing therein, one pair of piſtols, value 20s. five pair of ſilk ſtockings, value 40s. the property of Richard Truſcot; ſix ſilver tea ſpoons, value 14s. one ſilver cream jug, value 5s. one pair of lace ruffles, value 41. 4s. and two ſilk handkerchiefs, value 7s. the property of the ſaid William Maſterman.

(The Caſe opened by Mr. Fearnley.)

The Witneſſes examined apart by deſire of Mr. Garrow.

GEORGE FRANKLIN *ſworn.*

I live with Mr. Maſterman in Red-lion-ſquare.

Did you live there in October laſt?——Yes.

Was you there the 18th of October laſt?——Yes.

Who was in the houſe beſides yourſelf?——A maid ſervant, the houſekeeper, and Mr. Truſcot.

Who was up laſt that night?——I was.

What time did you go to bed?——Between ten and eleven.

Where the doors faſt?——Yes.

Did you faſten the outer door of the court yard at the back of the houſe?——It was faſtened with a croſs wooden bar and two iron bolts.

Did you faſten the front door of the houſe too?——Yes.

Were all the lower windows faſt?—Yes.

What time did you get up in the morning?——At ſeven, I was the firſt up, and when I came down the back doors were all open, the front of the houſe was never touched, the back court yard door had a hole cut in it.

Have you the pieces?——Yes.

Produce them.——This is the hole, it was cut about the middle of the door, there was a bolt about ſix inches.

What was done to the iron bolts?——There were two iron bolts, and both the ſtaples were forced out; as ſoon as I came down I went up to the houſekeeper, and to Mr. Truſcot, I told them; when I went out into the yard I ſaw a lamp-lighter's ladder out in the yard.

Was it there the night before, when you went to bed?—No; I ſaw the piſtols were gone, they were there the night before, I ſaw them when I went to bed, they laid inſide the kitchen door on the right-hand, the piſtols were Mr. Truſcot's; I found ſix tea ſpoons and the cream jug miſſing, that is all I know that was miſſing; Mr. Truſcot, I believe, knows of the reſt.

Mr. Garrow. What is the ſituation of this court yard door that you have been talking of, with reſpect to the houſe?——It comes into the paſſage that leads to the kitchen door.

Is that paſſage a covered one?——Yes.

What is over it?——It was the court-yard door to the houſe.

This was the night of the 18th of October?—Yes.

Do you mean it was the night between the 17th and the 18th, or between the 18th and 19th?——Between the 18th and 19th, I am ſure of that; I cannot ſay any thing of the piſtols, I never found the ſpoons and jug again.

HENRY WRIGHT *ſworn.*

Do you know the priſoner?——Yes.

Do you remember his coming to your houſe at any time?——Yes, on the 18th of October.

Recollect the time he came to your houſe with the piſtols?—The 18th in the morning, about nine o'clock.

He came with theſe piſtols to your houſe?——Yes.

The Remainder of this Trial in our next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Stewart.

Mr. Fearnley. It is ſtated, that this robbery was committed on the 18th at night; immediately after the robbery was committed, information was ſent to Bow-ſtreet: this paper is a liſt of things taken by theft.

Mr. Garrow. I object to this.

Court. You may aſk him, whether he remembers any advertiſement coming out from Bow-ſtreet, and whether it was before or after that?

Mr. Garrow. Theſe are the things taken between the 18th and 25th.

Henry Wright called in again.

Mr. Fearnley. Do you remember any advertiſement coming out from Bow-ſtreet? ——Yes, I received that advertiſement half an hour after I took in the piſtols, this was the paper, theſe are the piſtols, they have not been out of my poſſeſſion; I received them from the priſoner at the bar, I know him.

Had you much converſation with him? —Not as converſation.

Did he ſay whoſe they were? ——No.

Where do you live? —In the paſſage leading into Tothill-ſtreet, Weſtminſter.

Mr. Garrow. You remember the day by theſe papers I take it for granted? —That is what I go by.

You received them the day this hand-bill was iſſued, which you take to be the 18th? ——Yes, it is the 18th.

And it is by this paper that you underſtood it was the 18th; do not you keep books? ——Yes.

Have you referred to them? —No, I was guided by the hand-bill.

Court. How comes it, that in all this time, when this was diſcovered, that you have never looked at your own books to ſee when you received theſe piſtols? —I went by the hand-bill; I was in a hurry to go to Bow-ſtreet, as it was my duty to do, and they gave me directions to go to Mr. Maſterman's.

Mr. Garrow. Did you receive the hand-bill after the piſtols? ——Certainly.

Then that is no apology for your not ſetting them down; did you give a duplicate? ——No.

Do not you make a ticket? ——I do not know where it is.

Is not it your conſtant practice, and is not it your bounden duty to make a ticket and tie it to the articles? —Moſt undoubtedly;

edly; I have not a ticket, I do not know where it is.

There is no entry in your book I take it for granted?—Really, upon my oath, I am not able to say whether they were booked or not.

Do you mean to say, that going to Bow-ſtreet, in conſequence of this advertiſement, and knowing that you were to be examined, you made no entry; it ſeems to me to be peculiarly the object of an entry; you are quite ſure it was the 18th?—Yes, I go by the hand-bill, I do take it to be the 18th.

What day of the week was it?——On a Monday.

Court. Are you ſure it was on the Monday?—We always receive the papers on a Monday as early as poſſible.

You went immediately to Bow-ſtreet?—Yes.

Mr. Garrow. Do you know a woman of the name of M'Carty?—I do not know.

Do you know a woman of the name of Grace M'Carty?——I know Grace Maddocks.

How ſoon did you ſee her after you took in theſe piſtols?——She came on Saturday night, about a fortnight or a week afterwards.

Was the priſoner in cuſtody then?——No.

Do you recollect any converſation that paſſed between you and her?—She aſked me to let her have the piſtols, I told her it was not in my power.

Did you tell her you had given information?——I might ſay the information was given.

Did you, or did you not?—I cannot directly ſay.

You think you did?—I believe I did.

Do you think you told her this man, Stewart, had better get out of the way?—Stewart was along with her, I told her if he did not get out of the way, I ſhould ſtop him.

What, the man againſt whom you had given evidence, and was to be proſecuted for burglary?——I told him he muſt go, or I ſhould ſtop him.

Now, I believe, you have a ſort of private intimation in your ſhops, by which you can ſend for a conſtable, without any body knowing it?—If we find a ground or reaſon to ſend, we certainly do ſend.

Have not you a private ſign, by which you communicate with the perſons in your buſineſs to go for a peace officer, without giving an open order?—No, I have not.

So you told him he had better get out of the way; what did Maddocks ſay about it? I cannot ſay.

Recollect a little?—I do not remember.

How ſoon after this was the priſoner taken?——It might be in the courſe of the enſuing week; I believe it reſted a fortnight after the information was given.

What day in the week was he taken?—I cannot ſay.

Do not you recollect what day you attended?—I cannot ſay I do.

Mr. Fearnley. You received that paper, have you any reaſon to know the particular day on which you received the piſtols, excepting that paper?—It is from that paper I ſpeak as to the day of the month.

Do you know who this Mrs. Maddocks is?—I believe her to be a girl of the town.

CAPTAIN TRUSCOT *ſworn.*

On the 18th of October, I lodged at Mr. Maſterman's, in Red-lion-ſquare, I had a pair of piſtols at Mr. Maſterman's on the 18th of October.

Were they in his houſe that night?—I am ſure they were, I ſaw them there when I went to my bed, I paſſed by the cheſt where my piſtols lay, and looked at them, and took one of them in my hand; about ſeven the next morning the boy came in and told me the houſe was broke open; my piſtols were gone. I gave information at Bow-ſtreet the next morning, which was on the 19th.

When did you firſt hear of your piſtols again?—On Monday the 25th, I went to Woolwich, and returned again the Thurſday after, the ſervant went to Mr. Wright's and ſaw my piſtols. (*Looks at them.*) Theſe are my piſtols, I ſaw them at Mr. Wright's.

Court.

Court. How long after you returned from Woolwich was the priſoner apprehended?—About ten days or a fortnight.

Mr. Garrow. You had not all Sir Sampſon Wright's men with you?——I think not.

Did you apprehend this man or they?

Mr. Fearnley. Did you deſire the priſoner might not be apprehended?——I deſired he might not till I had written to Mr. Maſterman, unleſs he came for the piſtols.

Mr. Garrow. Why, Captain, theſe appear to me to be as plain piſtols as ever I ſaw in my life?——Yes, Sir, here is the maker's name, I had a particular mark on thoſe piſtols.

—What, that you had obſerved before?—In the firing them, which I could ſwear to them by; not only that, but the wood they are mounted on, one is a paler kind than the other.

Why, Captain, they are hardly ever ſimilar, the uſing one more than the other, makes them paler or deeper?——Here is a bit of one broke in the firing.

Yes, I remember that I have one of my own broke juſt like it, it happens nine times in ten to theſe Birmingham made piſtols.

PATRICK MACMANUS *ſworn.*

I know the priſoner, I and three more officers from Bow-ſtreet went to the place where he lived, in St. Ann's-lane, Weſtminſter, and found him in bed with a woman whoſe name is Grace Maddocks.

Did you tell him what buſineſs you was come upon?—He aſked what he was wanted for; I ſaid you are wanted for houſe-breaking, ſo ſhe made anſwer, damn my eyes, he has not got a penny ſince he came out of gaol: I ſaid, notwithſtanding that, he muſt come, after he got a little way, he ſaid what is this about? damn the piſtols, ſays he, why the boy that laid up in the garret found them one morning going to Fleet-market, upon Holborn-hill; he ſaid, you went up ſtairs, I ſaid yes; he ſaid, that boy is the boy that found them; that boy is the brother of Grace Maddocks.

Mr. Fearnley. Did not he make uſe of ſome cant expreſſion?

Mr. Garrow. How can you make uſe of ſuch a queſtion! did any thing more paſs?—Many things that I did not think worth my notice, and there might have been cant words, and I might have made uſe of them ſince, but I cannot charge my memory with them.

Priſoner. When this man came and three more with him, he came up into the room, I aſked them what they wanted, I told him before the Juſtice, when they brought me to Bow-ſtreet, if you will give me leave, I will ſend for the two boys that this Grace M'Carty had the piſtols of, I had them of her: the Juſtice ſaid, that we ſhould not do.

Court to Wright. When the priſoner brought theſe piſtols to you, what did he ſay?——I knew him very well, he ſaid he wanted half a guinea on them.

Did he pledge any thing elſe but the piſtols with you at that time?——No.

Priſoner. My Lord, when theſe piſtols were pawned, this Grace M'Carty owed me half a guinea for a ſcore, ſhe had not the money, but ſaid ſhe had ſomething that I was welcome to for the uſe of the half guinea, which were theſe piſtols; I told her I ſhould take them to Mr. Wright, as I knew him, and he knew my father; I told him I wanted half a guinea for them, ſays he, Bill, are they your's? ſays I, Mr. Wright, I had them from Grace M'Carty, but I will be anſwerable for them: on the Wedneſday following I went to this Grace M'Carty; it ſeems ſhe had been for the piſtols, and Mr. Wright told her he had taken them up to Bow-ſtreet, and they were ſtopped; he told Grace I had better get out of the way: I went to him, ſays he, Stewart, the piſtols are ſworn to, and I would have you get out of the way.

Court to Wright. Did he tell you when he brought them, whether he had them of the woman?—I cannot ſay, my Lord.

Court.

Court to Macmanus. What was the houſe in St. Ann's-lane, where you took the priſoner?—A houſe where he and ſhe lived.

Is it the place where he uſually lived?—For any thing that I know, when I wanted him I thought I ſhould find him there, and it turned out ſo.

Where is his father's houſe?—I do not know.

Court to Wright. Where does his father live?—He did keep a public houſe in Tothill-ſtreet.

Macmanus. It is a houſe where they both live, and are known to live.

Mr. Garrow. Is ſhe a common girl?——I do not know that of my own knowledge.

GUILTY

Of the Burglary, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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12. WILLIAM ASTILL and JOHN ELLIS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Powell, at the hour of two in the night on the 16th of November laſt, and feloniouſly ſtealing therein, thirty-ſix calf ſkins, value 12l. 8s. thirty-ſix ſeal ſkins, value 12l. one hide, value 26s. fifty neats leather ſhoulder, value 7l. 10s. the property of the ſaid Thomas Powell.

The witneſſes examined apart at the requeſt of the Priſoners.

THOMAS POWELL *ſworn.*

I live in Blue Anchor alley, I am a Currier, I believe my houſe was broke open on the 16th of November in the morning; in the evening of the 15th, a little before twelve at night, I went into my ſhop and looked over my premiſes as I uſually do, I took notice that all the ſhutters and doors were faſt, I heard no noiſe in the night, I was the laſt that went to bed that night, my apprentice, Robert Roberts got up firſt in the morning, at a little before ſeven, and he deſired the maid to inform me my houſe was broke open.

Court. Was it day break at that time?——When I had the information, but the apprentice got up at ſix, and a large dog of great value, which I highly eſteemed, was poiſoned, and my ſhed, which is over my ſhop, and my ſhop were broke open and robbed, there is a ſtair caſe from my ſhed to my ſhop, and there is no communication from the ſhed but that; I was alſo informed that the back door of the ſhop was broke open, which I perceived was bolted the night before, the door goes into a little yard we have, which yard adjoins to a ſtone maſon's yard; when I went into the ſhop I found three dozen of calf ſkins, worth about 12l. 18s. I have eſtimated them moderately, and three dozen of ſeal ſkins, worth 12l. and ſome leather ſhoulders, worth about 7l. 10s. I imagined they carried the goods out by the back door, becauſe we found a conſiderable part of the goods left in the ſtone maſon's yard the next morning, this leather was half curried, that is, not finiſhed or dreſſed, the back door was broke open by the middle bolt of the door being wrenched entirely open, and the door forced; I advertiſed ſome of the property which I did not get, and put a reward of five guineas.

ROBERT ROBERTS *ſworn.*

I am apprentice to Mr. Powell, on the 16th of November laſt I got up about ſix, it was quite dark, when I went into the ſhop with my candle, I did not perceive that the light came in, I was at work at the other end of the ſhop, but when the day-light broke, I perceived the ſhop was broke open, the door had been wrenched open and broke in the middle, the ſhop is very long, and I ſat at the other end, but as ſoon as I diſcovered it I acquainted my maſter of it; the ſeal ſkins were in the ſhed over the ſhop, ſo were the calf ſkins; I went up in the ſhed, and found theſe things were taken out of the ſhed, and a fine dog

that uſed to be kept in the ſhed was poiſoned and dead.

Court. Was there no way of going into the ſhed but through the ſhop?—No.

JOHN NEWMAN *ſworn.*

I am conſtable, I went to No. 17, in Noble-ſtreet, I was informed it was the lodging of the priſoner Aſtill, he was in a little trouble, I thought of finding ſome things there which I did not, I obſerved one of the boards of the floor a little looſe, and not to have ſand upon it; when I pulled the board up I found this calf ſkin concealed under the rafters, I ſearched the other boards as far as I could reach, and found nothing elſe.

(The calf-ſkin depoſed to by the Proſecutor, being half finiſhed.)

Mr. Chetwood, Priſoner's Council. When did he write that letter upon it?——When he had it in hand, before it was loſt.

Do not they go to the cuſtomers with that letter?—Not half finiſhed as this is.

Other people have that mark?——Not that I know.

JAMES ARCHER *ſworn.*

This letter is my mark, I ſaw this calf ſkin in the ſhed the night before.

SARAH PARKER *ſworn.*

Do you know Mr. Newman, the conſtable?—I was with Newman when John Aſtill's lodgings were ſearched, he found a ſkin underneath the boards, the priſoner Aſtill took the room of my ſervant girl when I was not at home, he was there twelve or thirteen weeks, he occupied to the time, he had not quitted them, the woman that cohabited with him paid me, the man paid me one week, he lived there with the woman.

Priſoner Aſtill. Who took the lodging of this woman?—I cannot ſay, I was not at home, I never recollect ſeeing him but twice.

And yet ſhe ſays I lived three thirteen weeks, it is very myſterious to me, ſhe ſhould never ſee me but twice?—My maid ſervant is gone away.

WILLIAM ALVEY *ſworn.*

On the 16th of November I was at the Hind in Redcroſs-ſtreet, about twelve at night, and the two priſoners and another man there, I knew them a good bit before, I was drinking at the ſame time, and I heard theſe two men aſk another man, whether he would go into Blue Anchor-alley, Bunhill-row, they ſaid they knew a place that would come to about forty or fifty pounds, they ſaid it was to *nabb* ſome ſkins at a Currier's.

How came they to ſay that, ſo as you could hear it?—They ſaid it at the houſe, and there was a large dog, and they had got ſome poiſon to poiſon him.

Court. I ſhould think you was part of the gang?—No, Sir, I was not, I followed them, they did not ſee me, I ſtood at the fore-part of Mr. Powell's houſe, they did not ſee me at all, and I ſaw the priſoner Ellis pulling down ſomething, and the dog barked, I heard a great noiſe, I was by the fore part of the houſe by Blue Anchor alley, there is a chandler's ſhop right facing Mr. Powell's houſe.

What did you do upon this, did you cry out thieves, or what did you do?—I was afraid they poiſoned the dog firſt.

How do you know that?—Becauſe they ſaid they would, I heard one of theſe men ſay to the other, damn my eyes, a bit of butter will make it ſlip down eaſy, I cannot tell which it was that ſaid it.

Court. How long did you ſtay in the front of the houſe?—When they ſaid that word, they ſaid let us leave the place for place for two hours, for they ſaid the dog will not be dead a good while, they had not enough ſtuff.

What time of night was this?—Half an hour after twelve, I ſtayed all the time, my couſin uſed to live in that alley.

Is your couſin a male or female?——A female.

So

So you went to your female couſin?—They came back in an hour and a half, I ſtaid there all the time, when they came back I heard a great noiſe, I cannot tell what it was, nor who it was that did it.

Did you ſee theſe two men when they came back?—Yes, I did, and another.

How near might you be to them then.?—About ten or fifteen yards off, I could not tell how far they were off.

How came you to ſtay in November to watch theſe people?—Becauſe they ſaid ſo; I heard Mr. Pool the conſtable had found the ſkin, and Mr. Pool is a barber and conſtable, and he ſaid he had found ſo and ſo in that young man's lodgings, Towley Scraggs, Aſtill we call him now, then I diſcovered this to Mr. Pool a few days afterwards.

Did you ſee them remove the ſkins into the man's yard?—No, I heard ſomething tumble, I cannot tell what it was.

Priſoner Aſtill. Upon examination at Juſtice Wilmot's, he ſaid he could poſitively ſwear to Ellis's giving the dog poiſon.

Alvey. I heard one of them ſay, damn my eyes, if I had old Dr. Stone here, I would ſtick the knife into him, becauſe he has not given us ſtuff enough to kill the dog.

Court. Who Dr. Stone is, I cannot tell?—He comes to the Hind in Redcroſs-ſtreet; the next morning after the robbery was done, I was at the Hind, and they came into the Hind, I was there a ſitting by myſelf about eleven.

You had not been in bed all that night?—Yes, about half after two, I live in Grubb-ſtreet, the other man came in juſt after, they then aſked if old Dr. Stone had been there, and the man of the houſe ſaid no, and they ſaid, damn my eyes if we had had him laſt night, if we ſhould not have killed him, we would have been damned, for not giving poiſon enough to poiſon the dog; he came in about half an hour after, and they hit him a ſpank of the head, and they told him ſo.

Who is Dr. Stone?——He is a horſe farrier.

Court. Theſe ſeem to be a pretty ſet; how came you there?—I uſed to be drinking along with my uncle, he is a porter; they ſaid, you gallows old thief you did not give us poiſon enough to poiſon the dog.

Court. What is the man's name that keeps this remarkable houſe?——Caſey.

Mr. Chetwood. How long had you been in this houſe this evening?——I went at ſix, and ſtaid from ſix to twelve.

There was no company?—No.

Quite at leiſure?—Yes.

Then you obſerved theſe people to talk about this buſineſs, were there no honeſt people in the houſe?—I cannot tell.

Was your father there?—No.

You ſaid no words to them?——No.

You had no thoughts of joining with them?—No.

You went to the front of the houſe?——Yes, they talked very loud about the poiſon, and they wiſhed for a bit of butter.

You heard that?——I was juſt at the corner of the turning.

Did not you know there was a reward for taking people for burglaries?——No Sir, Mr. Pool told me it was in the papers.

You do not know there is a reward?—No Sir, I do not.

Did you never hear there was forty pounds reward?——No Sir, I heard there was forty pounds for hanging a man, I never was told that only ſince they have been in trouble.

Did you never hear it in Newgate?——No Sir, I heard for highway robberies, or for hanging a man.

How long did they wait the firſt time?—About a quarter of on hour.

Then you walked down to your relations?——Yes, I waited in the alley above two hours, when I came up the alley again they were gone.

What did you wait two hours for?——Becauſe they ſaid they were coming back again, I ſaw them when they came back again, but they did not ſee me.

Were there no watchmen?——No.

Did you alarm the family?——No.

How

How came you not to do that?——For fear of their hurting me.

What did you wait the two hours for, was it with intention of being an evidence?——It was with intention of telling ſomebody or other.

Did you the next day tell any body?—Yes, I believe it was the next day I told Mr. Pool, that there was another robbery done in Golden-lane.

Did you go to Mr. Powell's houſe that had been robbed?—No, becauſe I thought it was beſt to tell Mr. Newman.

You thought Mr. Newman could put you in a better way of getting the forty pounds?——No Sir.

And this converſation happened publickly in the tap room?——There was only them three and me.

It is a wonder they were not afraid of you?—They were not.

They never ſpoke a word to you?—No.

Mr. Juſtice Willes. How long is it ſince you have been out of Newgate?——Two years, a man may be bad one time, but he muſt not always remain ſuch.

Court. It is no proof of your amendment to frequent the Hind; ſo the next morning they talked about the dog?——Yes.

Publickly?—Yes.

Priſoner Ellis. Do you know any thing of robbing the tenter ground, at the back of the Shepherd and Shepherdeſs three months ago.

WILLIAM POOL *ſworn.*

I am a conſtable, I was at the ſearching of Aſtill's lodgings when the leather was found.

When was it that you had firſt any converſation with the laſt witneſs?——I believe it was after the ſkin was found, I know nothing of Newman, but he was with me when I ſearched, I believe it was the ſame day the ſkin was found, that was the 18th.

How did you pick up Alvey?—I believe it was in the ſtreet, as we was going along with the ſkin, I did not know him before, Newman met him and ſaid we had found a ſkin in ſuch a place, he ſaid he had read the advertiſement, and thought it belonged to Mr. Powell.

Did you tell him at that time there was any money offered for diſcovering the people?—No, he ſaid there was a large dog poiſoned at the ſame time.

Court to Newman. Did Alvey tell you the ſame ſtory?—I ſaw him at Guildhall, and he ſaid, what have you found a ſkin; and he ſaid he knew the people that went to do a robbery in Blue Anchor Alley, he told me, that they gave the dog poiſon, and one Stone gave it them.

Did he give you the ſame account of his going to watch them?——I did not give any heed to it, he ſaid he watched them, I have ſeen him about our pariſh.

What is he?——I do not know, I believe nothing of a particular character.

Mr. Chetwood. It was the 18th that you found the ſkin?——Yes.

Nobody was by but Pool and you?—No, I carried it from Noble-ſtreet to Guildhall.

Had you no converſation with Alvey in Noble-ſtreet?——I never ſaw him in Noble-ſtreet, I had no converſation with him till I came to Guildhall, I never ſaw him that day till I had been to Mr. Powell's, then I ſaw him at Guildhall.

What was he doing at Guildhall?—He made a diſcovery of another burglary.

Did you, or did you not mention to him then, that there was a reward for the apprehending the people that robbed Mr. Powell's houſe, and ſhew him the newſpaper?——I did.

Did you, or did not you tell him there was a great dog killed?——I did not.

Did not you read the advertiſement?——Yes, but it was not in the papers.

Did you ſhew him the newſpaper;——I had not the newſpaper.

Did you not tell him it was in the newſpaper, there was a reward?—No.

Why he ſaid ſo, did not you tell him there was five guineas reward?——No, I did not, we took him up to Juſtice Wilmot's,

Wilmot's, and Juſtice Wilmot bound him over.

Court to Pool. I think you met this Alvey firſt in the ſtreet?—It was after he had been to Mr. Powell's, it might be at Guildhall.

WILLIAM LARGESION *ſworn.*

I had information from the other office, that Ellis was wanted, I went to take him at the Hind about eight o'clock at night, in Red Croſs-ſtreet, I found nothing of him.

Court to Newman. Was any thing found on Ellis?—Nothing at all, we went there ſeveral nights to look after him, and at laſt he was there.

Priſoner Ellis. I leave it all to my Council.

Priſoner Aſtill. I wiſh for one witneſs to be called and that is Ann Thomas.

ANN THOMAS *ſworn.*

Are you acquainted with Aſtill?—No I never ſaw him before with my eyes, I am am unfortunate girl, I picked a man up on the night of the 15th, and he was to give me half a crown to lay with me all night, in the morning he had no money, and he gave me this ſkin to take care of.

So he picked you up about ten at night, and you was with him all that night, to the next morning, you never parted with him?——He gave me the ſkin the next morning.

What gentleman took it out of your room?——I lodged at Sarah Parker's.

Did the priſoner Aſtill never come there?——I never ſaw the man with my eyes.

Court to Sarah Parker. Have you ever ſeen this woman before?——She is the woman that cohabited with him in the room, and paid me the rent.

Court. Upon my word if there are two witneſſes againſt her, ſhe ought to be committed.

CHRISTOPHER HINTON *ſworn.*

I am a watchmaker, I live in White-croſs-ſtreet, I have known Ellis about a twelvemonth, ſince I reſided in that neighbourhood, I know no harm of him, but on the 15th of November, I came from work and went into the Hind a little after ten, and his father was there, in a little time after in came Ellis, I was drinking with him till about half after twelve, there was a young woman and the landlord; we went away from that public houſe and Newman the Conſtable laid hold of him about half paſt twelve, and aſked me if he had been in my company, I ſaid yes, then I went to ſee the old man home, and a young woman, we went to the Woolpack till half paſt two, then I went and put him to bed.

So you was never abſent from him from that time?——Never.

What time did you go into the Hind?—Between ten and eleven.

Court to Alvey. Did you ſee Hinton at the Hind that night?——No Sir, I have ſeen him there often.

CHARLES CASEY *ſworn.*

I officiate as maſter of the Hind, I have been there about eight months, on the 15th about ſeven o'clock, the priſoner Aſtill, and two other men came in.

Court. Was Ellis one of them?—No, Mr. Newman the officer came in, and a ſtrong diſpute aroſe between Aſtill and Newman, about ſome duplicates; and the priſoner Aſtill and two more men went away, and Newman took hold of a woman that had a piece of linen in her apron, he took her into cuſtody, and let her go again; a ſhort time after that Ellis came in, that was about half an hour after.

Was it about eight?—I cannot be poſitive to a quarter of an hour.

Was his father there?——No, he went away to the coat club; Ellis came in about ſeven, he ſtaid but a ſhort time, and then went to the coat club that his father had in White-croſs-ſtreet.

Did he return again?——He returned about eleven, and ſtayed till half paſt twelve, his father and this Chriſtopher Hinton went away with him, and a young woman; his father was very much in liquor.

Did you know what became of them then?——No.

Was Alvey at your houſe that night?——Yes, he was there at the time the diſpute aroſe between Aſtill and Newman.

The priſoner Ellis called three witneſſes to his character.

Court to Newman. Was you at this Hind ale-houſe the 15th?——I believe I might in the evening, this woman Ann Thomas was there.

Was Alvey there at that time?—I will not be ſure, I believe he might.

Court to Proſecutor. Were all the calf ſkins left in the ſtone-maſon's yard?—No, only ſome of them.

WILLIAM ASTILL, GUILTY, Death.
JOHN ELLIS, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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13. PHILIP PATCH and HENRY RUTTER were indicted for feloniouſly aſſaulting John Rollings, in a certain field and open place, near the King's highway, on the 22d of October laſt, and putting him in corporal fear and danger of his life; and feloniouſly taking from his perſon, and againſt his will, eight half-pence and four farthings, one guinea, value 1l. 1s. one half-crown, value 2s. 6d. and four ſhillings and ſixpence in monies numbered, his property.

JOHN ROLLINGS *ſworn.*

I am a ſailor, I was robbed on the 22d of *Auguſt* laſt, between three and four in the afternoon, I was in Stepney-fields juſt by the George; the priſoner Patch came behind me and knocked me down, the priſoner Rutter was with him, he came behind me and gave me a blow on the temples and demanded my money or my life, and knocked me down; I went to the houſe with a fellow ſervant of mine, and I gave him a drink of beer, we were no ways acquainted; it was the Barley-mow, in Gravel-lane; me and John Harrington who was with me came out, he is bad in bed now; the priſoner followed us, we went to the George, and called for a pint of beer there, and they came in there, we got the beer and paid for it and went out, we ſtaid about half or three quarters of an hour at the George, we went out together, and they followed us again.

Court. After you left the George, did you obſerve them following you before they ſtruck you?——No.

You did not?——No.

What effect had the blow upon you?—It knocked me down.

How do you know who ſtruck you?—I got up and run after him, I ſaw his face when he knocked me down, he put his knee upon my breaſt, the other ſaid, you ſecure that other bugger, and he went to make a blow at the lad, and the lad fell down, he did not knock him down, he demanded my money or my life, and I bid him take it; he took a guinea in gold, and half a crown and four and ſixpence, and eight halfpence, and four farthings; I knew what money I had about me, becauſe I changed it juſt before, they had all the money I had; after he robbed me he run away, and I got up and run after him till I fell down, I could run no further; and then two rope-makers overtook him, I ſaw them ſtop him, he was out of my ſight about a minute or two; I was led home by two perſons, I was ſo much hurt by the fall, and the blow he gave me; Rutter got clear off, Harrington run after him, but could not catch him, he was taken the next day in his mother's bed.

Mr. Garrow, Priſoners Council. You are ſure as to the time this happened?—Yes.

Quite ſure of that?——Yes, it was on Monday the 22d of *Auguſt.*

You mean to ſtick to that?——I do ſtick to it.

How happened that theſe lads were not committed till the 26th of October?——I do not know for that.

How long have you been acquainted with Harrington?——He went the voyage with

with me, the priſoners pretended to be acquainted with him.

How long have you uſed the Barley-mow?—I never uſed it before, it was as likely to fall into my hands as any other.

You have been pretty well acquainted with the Barley-mow?—I never was yet; I do not know what I may be.

How far was it from the Barley-mow to the George?——I cannot ſay.

Gueſs a little; you were leaky veſſels, you wanted wetting very often?—We had a pint of ale at the George, a pot of beer at the Barley-mow, it is between a quarter of a mile and half a mile.

A pint of ale, and a pot of beer?—That is nothing of a working day; it is the day I went up to be bound; I had been at work for my maſter.

Whoſe houſe have you lived in ſince this happened?—My maſter's ſiſter's.

What is her name?——Stoddert.

Which of the thief-takers is it, that you are ſo well acquainted with?—I am not acquainted with them, I never lived with one of them in my life, nor lay in their houſe a night, I have ſeen one of them every day I have been here, his name is Forreſter.

How often in the courſe of a week?——I cannot rightly tell, ſome weeks I have not ſeen him at all; I can ſwear I have not ſeen him every week upon my oath, ſome weeks two or three times a week only.

How much of the reward is Mr. Forreſter to have?—I know nothing about it.

Is there any reward?——I know I am to get my own money, that is all I know.

Have not you heard there is eighty pounds to be got by the death of theſe two lads?—I have not, I have never heard that.

You may ſwear it is if you chuſe?——Then I chuſe to ſwear it, I do not know it, I never heard ſo from any body.

When did you ſee Harrington laſt?—I ſaw him on Sunday laſt.

Where does he live?—In Farmer-ſtreet, he was taken ill on Monday laſt, this day week, he keeps his bed, I do not know his complaint; I went to him and aſked him if he was coming, and he ſaid, he was not well, and was not able to come; I never aſked him what was the matter with him.

Was Patch drunk or ſober?——Sober.

What was the expreſſion they uſed?——*He told me to demand my money or my life.*

Had you any converſation with Mr. Forreſter about that?—No, I ſuppoſe I had walked a hundred yards, theſe boys followed me, and I did not know it, Harrington immediately ſaid, there were the boys that were drinking with us.

What were you doing in the fields?——We were walking in the fields for our own pleaſure.

Court. Why my boy, do you know what Month it was in?—October.

What made you ſay Auguſt?—It is only what happened to ſlip out, I know it was October, becauſe I was bound that day.

What words did Patch make uſe of?—He knocked me down, and demanded my money or my life.

What did he ſay to you?—He demanded my money or my life.

He ſaid ſome words to you?——He demanded my money or my life.

But I want to know, in what words he demanded it, what were the very words he ſaid?—Theſe were the very words he ſaid, he expreſſed it in that manner, he came up and gave me a blow and knocked me down, and ſays he, your money or your life.

DAVID BURTON *ſworn.*

I firſt ſaw the priſoner Patch and three others in Biſhop's-fields, I ſaw the ſaid Patch and another walk down from Biſhop's-fields acroſs Mr. Beverley's-fields, they run as faſt as they could from the fields, both the ſame way, one was a head of the other, which was foremoſt I cannot rightly ſay.

What was the other a doing?—Stamping, and crying, and knocking his hat on the graſs; and ſaid, he was ruined.

What did you do?—I called to them, and aſked them what was the matter with them; they ſaid, they were robbed of twenty-eight ſhillings, I was pinning down and I made my thread faſt; there was another man ſaid, let us run after them, we purſued

purſued and took Patch, and the other got away; a man was coming along by Mile-end and ſtopped him, John Millington and I went and ſaid, where is the money you took from the lad; ſays he, I have got none; ſays I, you have, ſays he, I have only ſeven or eight ſhillings, that is all I took from them, I am ſure that was what he ſaid, we walked along with him, and aſked him what he was, he ſaid, he was *a ſcamp*, and if he was at liberty, he would let us know what he was.

Court. What does that mean?—About our way, they call it a thief.

What, he ſaid ſo himſelf?—Yes, ſays he, I believe you are going to take me to Green's, we ſaid, yes, we went to the Lebeck's-head, and he pulled out ſome ſilver and halfpence, and laid it on the table, and ſaid, that was all he had; Mr. Roſewell, the Juſtice's clerk, was drinking in that houſe or the next; they took him into the back room and ſearched him, and the guinea fell from under his ſhirt.

Did you ſee that?—Yes.

Mr. Garrow. The two priſoners run very faſt?—They were running from us.

It was the boys Harrington and Rollings that were ſtamping with their feet?—Yes, about three or four minutes, they had got three or four hundred yards.

Did they get out of ſight of the boys before Patch was ſtopped?——Near a quarter of a mile out of ſight.

How ſoon after was it, before Rollings came up to you?—We brought him back to Rollings, I never ſaw the lads before.

How long had they been playing the rogue together before this happened?——I do not know, I ſaw them altogether, when I ſaw them firſt; it was only while I was making the thread faſt; I ſaw neither of them knocked down, I ſaw none of them down.

How often have you ſeen Harrington ſince?——Only once, about a fortnight ago, he is bad they tell me.

Who told you ſo?—Rollings.

Upon your oath Mr. Burton, whtwas that that Rollings ſaid to you, abot the reward yeſterday, in the hearing of Forreſter, at the Pitt's head?—He ſaid nothing to me.

Mind what you ſay, what converſation paſſed yeſterday upon the ſubject of the reward?——Nothing.

Did Rollings ſay any thing about the reward?——*I never heard, I did hear*, I never knew nothing about it.

Have you never heard that there was a reward of eighty pounds for convicting theſe boys, blood money, perhaps you know that better?——No, Sir, I never heard it, nor do not know it.

Court. Speak with caution, now give it an anſwer, after you have conſidered it?—Upon my oath, I never heard of no ſuch thing.

Then you do not know that there is a reward?——I do not.

Nor have never heard it?——No.

Court. Why young man, have you never heard at any time or from any body, that there was a reward for convicting of highway-men?—No, Sir, I never did in my life.

Nor you never heard there was to be any reward for convicting theſe two young men?—No, Sir.

Why do you heſitate ſo much?——Mr. Green's clerk told me I ſhould be paid for my trouble for coming up, for my day's work.

How long have you attended this buſineſs as a witneſs?—Three days, and Monday at Hicks's-hall.

Who has paid your expences?——Forreſter.

Did Rollings run after theſe two priſoners at all before you purſued them?—I ſaw them running, both Rollings and young Harrington running after the other, they began to run when we began to run, and not before.

JOHN MILLINGTON *ſworn.*

I was at work with Burton when theſe men were firſt taken up, and I heard John and another lad crying out, ſtop thief! I did not know Rollings before; I heard two boys

boys halloo out, I was close by them, there was a bit of a field that laid in a hollow, and I was in the field.

Did you see them before you heard the cry of stop thief?—No, when I first looked, I saw Philip Patch, and another lad in red breeches, run down the bank, and cross the ground that I work in, I took no notice of the other two lads; I says to my shopmate, we will run after them, I dare say we can catch them; says Burton, we will go, and I run away directly, Burton was working close by me, neither of us asked any questions.

After you said to him, or before you said to him, we will pursue them, had either of you asked any questions of the other two lads?——Yes, I asked them what they had robbed him of, and they said 28s.

How came you to tell me just now, that you had taken no notice of the other two lads?——When I first looked, I saw two boys, which were Rollings and Harrington, they were crying out, stop thief! the boys were doing nothing but running and crying stop thief.

When did you first see the other two?—We saw them after we had asked the boys what they were robbed of, then we saw the other men running across the field.

And Burton and you took different ways?——We took different ways, I ran up the field that I work in, and the other up a gentleman's ground; I pursued Patch, and a man held up his stick, and I ran and caught him by the collar directly; the two boys remained in the ground that we worked in, we were three hundred yards off the boys when we stopped Patch.

Then the two boys did not pursue at all after you and Burton?—No, not after we were gone.

Mr. Garrow. When you were bringing them back, how long was you before you got in sight of the boys again?—About five minutes and better.

You walked quietly back again, I suppose?——They were at the upper end of the grounds, they had not a quarter of a mile to go, it might be between six or seven minutes.

What were the two boys doing?—I cannot tell, Patch and the other lad ran abreast of each other, one ran before, the other behind, but they were near together; one parted from Patch, and made off another way.

How many days have you been attending here?——Three days.

How much have you paid out of your own pocket now?——About two or three shillings.

Did you pay for yourself and Burton too, or only for yourself?——For myself, sometimes between us both.

Did Burton pay for his bread and cheese and beer?——Sometimes, we did not eat a great deal, but what we did we paid for.

Which of you was it that paid for Rollings, the boy?—I do not know.

ALEXANDER RAMSAY *sworn.*

I examined the prisoner, and he produced the money, half a crown, sixpence, four shillings, eight halfpence, and four farthings, and a guinea dropped from his breeches.

GEORGE FORRESTER *sworn.*

I apprehended Rutter in bed, I told him it was for a robbery in the fields, he said it was not him, it was Patch; Fletcher was present, he said Patch had the money: Mr. Cliff, of Shadwell-dock, gave me half a guinea to pay for this prosecution, and I paid for the indictment. One of the rope-makers brought some victuals in his pocket; he paid part of their expences: I told them they would be paid their expences; there never was a word said about the reward in my presence.

——— FLETCHER *sworn.*

I apprehended Rutter, I told him it was for this robbery, he said it was very hard, for he had none of the money.

Court to Prosecutor. When did you see Rutter after he was taken?——Upon the Tuesday evening.

Upon your oath, are you sure he was the man that was with Patch?—I am sure.

FOR THE PRISONER PATCH.

JANE M'DANIEL *sworn.*

I have known Patch from his infancy, he is a ſailor, and has been a ſhort time from ſea, he has a very good character, and is very honeſt: he has an impoſthume in his head, which iſſues out of both ears, and when he takes liquor, I do not think he is right in his ſenſes.

Do you mean that it affects him more than it does men of ſound underſtanding when they get drunk?——I think it does: there has been gentlemen of character to ſpeak for him, but their buſineſs called them away, and they could not attend any longer.

The Priſoner Rutter called three witneſſes, who gave him a very good character.

PHILIP PATCH, HENRY RUTTER, } GUILTY, Death.

They were both humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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14. STEPHEN HANKS and ALLEN WILLIAMS were indicted for feloniouſly aſſaulting Rowland Wells, the younger, on the King's highway, on the 26th day of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one canvas purſe, value 1d. one penknife, value 3d. one iron key, value 1d. his property, and four guineas, value 4l. 4s. and two ſixpences, value 1s. the property of Rowland Wells, the younger.

ROWLAND WELLS, jun. *ſworn.*

I am a farmer; on Friday the 26th of November laſt, I was robbed about half after five in the evening, between Nottinghill and Shepherd's-buſh, as I was going along by the ſide of my horſe, I had a load of hay for my father, and I obſerved two men at the tail of my cart; then I made a ſtop myſelf, and let my team keep on, and as the cart went paſt me, I ſaw the two men with my dung fork; I aſked them what they did there, they made no anſwer, one of them came up, and laid hold of me on the left ſhoulder with one hand, and held a ſtick over me with the other, and ſaid if I did not deliver my money, he would daſh my brains out immediately. As ſoon as I ſpoke to them at the tail of the cart, they dropped my fork immediately, and came up to me, the other came before me, and lifted a ſtick over my head, and ſwore if I did not deliver my money, he would daſh my brains out; I pulled out my purſe, containing four guineas and two ſhillings and ſixpence; one of the guineas I can ſwear to, as I had refuſed it: the moon was up, but it was rather cloudy, I am punctual to the priſoner Williams, as to Hanks, he ſtood rather behind me, I had very little ſight of him, I ſhould not care to ſay any thing about Hanks, as he was behind me; they followed on the outſide, and followed ſome time, and ſwore I had more money, I told them I had an iron key, and they ſhould have it if they would, and they demanded it immediately; they ſaid, damn your eyes, here is your dung-fork; I ran on, I did not come back for it, I ran on to where I was to ſleep, I left my team, and went to the door and called the landlord and the hoſtler, the landlord and I purſued them up to Tyburn; in a very few minutes we met the patrol, and we ſent two or three one way, and two or three another, and I and theſe two gentlemen went down the Edgware road, and there we met theſe two men coming along, one was at a diſtance from the other eight or ten yards: I ſuppoſe it was near upon an hour upon the Edgware road that we met them; they went away over the field for the Edgware road, they went over the hedges and ditches; as ſoon as we met Williams, I ſays to one of theſe gentlemen, that is the man I am ſure that robbed me; we took them into a

tallow-

tallow-chandler's ſhop there, that gentleman pulled out my money, the four guineas, and two ſixpences, four bad ſhillings, and three pence, a key, and a knife; Williams had the money, the man that took it from me; as ſoon as he pulled out the money, I ſaid that is my guinea, I can ſwear to it.

Look at that guinea?——I can ſwear to the guinea, and the knife, and the key too.

JOSEPH CREEDLAND *ſworn.*

Produces the four guineas, two ſixpences, four bad ſhillings, one halfpenny and a farthing, a knife and key.

Proſecutor. This is the guinea, it is particularly marked, it was a particular old guinea, marked 45, or 46.

Mr. Juſtice Willes. Here is no particular mark upon this?——I have no other particular marks, the edge of one ſide of the knife is turned quite rough, I have had it two years.

PRISONER WILLIAMS's DEFENCE.

The money was my own, that I worked hard for; I can bring witneſſes to prove that I had it when I came from my father's houſe, my friends are in the country, I picked up the knife and key on the road.

STEPHEN HANKS, NOT GUILTY.

ALLEN WILLIAMS, GUILTY Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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15. MICHAEL MACQUIRE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Magnus Ohran, on the 10th day of November laſt about the hour of four in the night, and ſtealing therein one pair of ſilver ſalts, value 20s. one ſilver milk pot, value 10s. four ſilver tea ſpoons, value 6s. a ſilver pepper-box, value 10s. a cloth coat, value 10s. three linen waiſtcoats, value 3s. two ſhirts, value 5s. and one iron ſpectacle caſe, value 6d. his property.

MAGNUS OHRAN *ſworn.*

On the 10th of November in the morning between four and five my houſe was broke open, I had not been long aſleep, I did not come home till late, and I heard a noiſe as if ſome panes were broke, I liſtened a little while before I went down, my wife went down directly, ſhe thought it was the china broke, I heard her go to the maid, and ſay, you naſty toad you have not ſhut the outer door; no madam, ſays ſhe, I did not, there are two doors, one was upon the latch, and the other was open, ſhe came up ſtairs again and came to bed; in a little while the maid came up to me, and called Maſter, Maſter, I am robbed, I dreſſed myſelf, and went down directly, and in the little breakfaſt room towards the garden, I found every thing was taken away, and the ſmall ſilver that was left behind, and the china were moved on the floor; then we went to the fore parlour, there was broke one clothes preſs, and one corner cupboard, the glaſs broke, but nothing taken out from there, they took out a mahogany drawer full of clothes, and they were every bit taken away, and after that we began to ſearch about the houſe, and we found in the back part, which was a little open, about ſeven feet deep under a gateway, an old ſaſh about ſeven foot high, which gave light, that was cut acroſs with a knife, and the wall in the middle was broke through, ſo that a man could get through by all means; then I ſearched about the houſe, and I found an old black coat, the thief had cloathed himſelf in my clothes, and left all his old clothes behind, and in this coat I found a letter which a man in Clerkenwell wrote to his wife in Hatton Garden; I ſent my ſon and another down to the workhouſe, to make an enquiry in conſequence of this letter, whether there was ſuch a woman in the workhouſe, and I went to Juſtice Green, and he gave an order for two of his officers to go and fetch the man from Clerkenwell; I knew the man when he was brought to my houſe, he lodged in my houſe nine months before, I believe for ſeven or eight weeks.

Were

Were any of your things ever found again?——Yes.

THOMAS ISAACS *ſworn.*

I had information from one Richard Brown of Bridewell, I did expect he would have been here, but being ſeſſions time I fancy he is not come down yet; I had information to apprehend this priſoner, accordingly I did apprehend him on the 12th of November, I took him to my houſe, and there I ſearched him, and found this ſpectacle caſe, and in his ſhoes he had a pair of ſilver buckles, and ſilver knee buckles, I aſked him how he came by them, he ſaid he bought them at a ſilverſmith's in the Minories, I aſked him whereabouts it was in the Minories, he told me near the bottom, I went and enquired out the ſhop, I carried the buckles and ſhewed them to Mr. Dean, at Dean's I found nothing, theſe are the buckles I took from the Priſoner.

THOMAS DEAN *ſworn.*

I am ſon to Mr. Dean, ſilverſmith.

Look at theſe buckles?——As to knowing the buckles I do not, I did not ſell them; on the 10th of November, to the beſt of my knowledge, the priſoner came to our houſe in the morning with a pair of ſilver ſalts gilt inſide, an old faſhion milk pot, a pepper box, and three odd tea ſpoons, the whole amounted to two pounds fifteen ſhillings, I was behind the counter, and reckoned them up; we eſtimated the value by the weight; the ſalts being foreign made, was four and ten pence, and the reſt of the plate being hall marked, was five ſhillings; I did not know him before, we aſked him how he came by them, and he was very much affronted at it, he ſaid they were his own property, he brought them from Gibralter, he ſaid he ſhould hardly bring them for ſale, if they were not his property, he bought a pair of ſhoe and knee buckles, to the beſt of my remembrance it was the priſoner at the bar, and a gold breaſt buckle.

Can you upon your oath poſitively ſwear that the priſoner was the perſon?——No Sir, I think it is, but I cannot ſwear to him, I did not take particular notice of him, I was reckoning up, I do really think it is the ſame man, I cannot poſitively ſwear to him.

THEODATUS DEAN *ſworn.*

Confirmed his ſon's account, but could not ſwear to the buckles nor the priſoner.

Proſecutor. The ſpectacle caſe was not mine, it was one I took inſtead of my own, but I cannot ſwear to it.

Court. There is no evidence in this caſe brought home to the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before MR. RECORDER.

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16. WILLIAM GILES was indicted for feloniouſly aſſaulting William Bailey on the King's highway, on the 21ſt day of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, 10s. in monies numbered, four half pence, and two farthings his monies.

Mr. Garrow Council for the Proſecution.

WILLIAM BAILEY *ſworn.*

I am a muſical inſtrument maker, I came out of Mr. Smith's houſe, and I was met by the priſoner at the bar.

Have you ſeen the priſoner now?——I cannot by this light diſcern him; about ſix o'clock as I was coming out.

Well you was ſtopped by ſomebody?—Yes.

What did that ſomebody do to you?—He clapped a piſtol to my breaſt, he ſaid your money, your money, your money, three times over, I gave him nine ſhillings, two ſixpences, four halfpence and two farthings

Was it light enough for you to obſerve the perſon that robbed you?——Yes, and I ſaw him within five minutes after, there was ſome perſon almoſt immediately apprehended, that was the perſon that robbed me, he was taken by Peter Campbell, who

is

Is a ſervant to Mr. Smith, and by a coachman to Mr. Monk; I am confident that was the man that robbed me.

He did not miſbehave to you?——No further than claping his piſtol to my breaſt, he ſaid directly as I gave him my money, where is your watch, I ſaid I have none, ſays he damn me, you lye, go about your buſineſs; I went a little way and I turned round, and he came to me again, ſays he damn me where are you going to, go where you was going; I had been at General Prevoſt's tuning a piano fort, and double harpſicord.

Priſoner. He ſays I am the man that robbed him, I am not the man that robbed him I will be upon my oath; whereabouts did I rob you?—Within five paces of Mr. Smith's yard, he made up to me and clapped the piſtol to my breaſt I was quite cloſe againſt the wall.

PETER CAMPBELL *ſworn.*

I am ſervant to Mr. Smith, I was informed that Mr. Bailey had been robbed, Mr. Monk's coachman was at Mr. Monk's gate, I was ſtanding with him, I joined in the purſuit of this man, I firſt ſaw him at Mr. Smith's gate, when he got to the edge, he leaped over the ha ha, into Mr. Smith's garden, I took him there, I found nothing on him, I ſearched him for arms, he produced the money at Mr. Byng's, I have not got the money, he demanded his money and had it, there was one halfpenny, which is a part of the money, and he produced ſeventeen ſhillings, two-pence and two farthings.

Court to Proſecutor. How long after the robbery was it that he was taken?——I believe not five minutes, he turned to the right, to get into the ha ha, in the garden.

Court. When you ſaw him, was he running in a path?——Yes, in a foot path that people commonly go on from Hadley to Barnet.

Mr. Garrow. Did you obſerve the courſe he took, in his way towards where you took him from the field?——Yes.

Did you next day, or at time any ſearch in that courſe?——Yes, there was a piſtol found.

(The Piſtol produced.)

It was found near the place where he went over, on the field ſide.

Was this piſtol loaded?——It was not *(The Proſecutor looks at it.)* That was much ſuch a one as this is, he put it in three different directions, he ſaid afterwards, it was a ſtick, not a piſtol; when he was taken into Mr. Smith's houſe, he ſaid that life was a precious thing, and that he hoped we would not be too ſevere with him, for as God was his judge it was his firſt attempt; when we came out I ſaid to him cannot you trace your own footſteps here, he ſaid what ſignifies troubling me I acknowledge I am the man that robbed you, I will give you your money again, and make you any acknowledgement, only be favourable to me.

JOSEPH BENN *ſworn.*

I am coachman to Mr. Monk, I remember Mr. Bailey coming to me and giving a particular account of being robbed, Campbell went with me, I ſaw the priſoner go out of the Hadley road, over the gate into the field, then he ran as far as the lower end of Mr. Smith's garden, and jump'd into his garden over the ha ha, I aſſiſted in taking him, I did not trace the place after, I heard the priſoner ſay he was the man, but it was the firſt time he had done ſo, and hoped we would be as favourable as poſſible, he had not been promiſed any favour at all; the priſoner was the man I found in the garden.

PRISONER's DEFENCE.

I was going to East Barnet, to ſee a young woman I kept company with for many years, one Elizabeth Wetherley, who lives with Squire Baker, as I was going, I was purſued by ſome dogs, and for fear of the dogs I jumped into this garden, they brought me back and ſearched me, nothing was found upon me.

GUILTY, DEATH.

Court. Has this man been on the lighters?

Mr. Akerman. My Lord I do not remember him in cuſtody ever before, he is quite a ſtranger before this time.

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17. WILLIAM SMART was indicted for felonſouſly ſtealing, on the 2d day of December, one cambrick handkerchief, value 4s. the property of Nathaniel Bayley, Eſquire.

THOMAS GALE *ſworn.*

On Thurſday, about twelve, I was coming down by St. Andrew's Church, and I ſaw a gentleman go by before me, and three boys; this boy and another made a motion to attack the gentleman's pocket, this boy put his hand in the gentleman's pocket, and ran over to Field-lane, and diſpatched the handkerchief.

Did you ſee him put his hand into the gentleman's pocket?——I did.

Are you quite poſitive?—I am.

Did you ſee what he took out?—The gentleman's handkerchief, it appeared to me to be a white handkerchief, it was done ſo ſudden I could not venture to ſay what it was, I called after the gentleman, I told him where the boy was; they ran over the way, right againſt the gentleman, I imagine he came for a ſecond attack.

Court. Did the lad that put his hand into his pocket run up Field-lane?—Yes, he was out of my ſight, but I am quite ſure he is the lad; I had ſtopped the gentleman and he went to go after him, and before he could get off the curb, the lad was right up againſt him again.

Should you know the gentleman again if you ſaw him?——Yes, that is the gentleman.

NATHANIEL BAYLEY, Eſq. *ſworn.*

This man run after me, and with a very earneſt countenance, aſked me if I had loſt any thing, I clapped my hand to my pocket, and found I had loſt my handkerchief, I am ſure I had two, I carry two; as he ſpoke to me, he ſaid this lad picked your pocket, and I ſeized the lad; when I firſt ſaw the priſoner, he was walking with another lad, I think they were arm in arm; ſays I, is it you, you dog, that picked my pocket? the other boy ran away, this boy began to cry: ſeveral very reputable people came out of their ſhops, the boy was taken to the conſtable's, and nothing found.

PRISONER's DEFENCE.

I was by myſelf, I was not by the gentleman indeed, I was going into Fleet-market of an errand for my mother.

The priſoner called two witneſſes, who gave him a good character.

GUILTY.

Recommended by the Jury.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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18. WILLIAM HUGHES was indicted for ſtealing, on the 26th day of November laſt, one copper, value 10s. the property of Hugh O'Connor.

ELIZABETH SAGE *ſworn.*

I was in Mr. Connor's houſe the beginning of November, a month next Saturday, I called the duſt-men in to take the duſt away, and they ran away with the copper; they aſked me for a broom, and while I went to get one, they took away the copper, it ſtood in the kitchen, they had a duſt cart; they went away with the cart and all as faſt as ever they could drive, I ran after them for an hour, I met with a man that told me of them; I never ſaw them before; the priſoner was brought back and ſhewn to me in about an hour, the copper was never found, they had parted with it; I am ſure the priſoner was one of the duſt-men: they would not let me light them down ſtairs; he ſaid he knew he was in the houſe

houſe, but denied taking the copper; there were three of them, they were all gone, he ſaid he knew nothing of his companions, he would not give any directions to them: I had ſeen the copper a little before.

JOHN RICHARDSON *ſworn.*

I ſaw a copper in the priſoner's cart as he came down St. Mary-axe, and I ſpoke to him about it, ſays I, you have *done* the people out of the copper; he ſaid, I am going to take it to be mended.

PRISONER's DEFENCE.

They took me and my partners in Norton-falgate; I know nothing at all about it, they ſtopped a man in Houndſditch, and ſaid he took it.

Court to Richardſon. How many was with the cart when you ſaw it?——Three, the other two ran away.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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19. JOSEPH DAVIS was indicted for feloniouſly ſtealing, on the 28th day of October laſt, one wooden box, value 6d. and twelve pounds of bohea tea, value 30s. and nine pounds of green tea, value 30s. the property of John Pinhorn and John Tiffin Stewart.

DAVID LEVI *ſworn.*

I am a conſtable, I took the priſoner coming from London-bridge, about eight in the morning on the 28th of October, I met the priſoner and another man looking at the windows of the ſhops, and I ſuſpected them; I followed them up Gracechurch-ſtreet, I ſaw them ſtop under a gateway, I ſaw the priſoner go into the proſecutor's ſhop, and was in about a minute, and came out with a box of tea on his head, I took him in Leadenhall-market; I ſaid, what is that; he ſaid, what is that to you.

(The box produced and depoſed to.)

JAMES VINEY *ſworn.*

I packed this box up on the morning of the 28th, they were to be ſent to Dedham, in Eſſex.

PRISONER's DEFENCE.

In the morning a young man met me, and aſked me to hold that, while he went over the way to ſee whether the coachman was in the way; he ſaid he would give me two pence, I laid hold of it, and put it on my head, and immediately Levi came and took me.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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20. JOHN MACGOWAN was indicted for feloniouſly ſtealing, on the 1ſt day of November laſt, two mens hats, value 20s. the property of Mary Hall, widow, and John Hall.

JOHN HALL *ſworn.*

I loſt two hats, I only prove the property.

RALPH PAYNE *ſworn.*

I am apprentice to Mr. Hall.

Is not Mrs. Hall partner with him?—Yes, I ſaw the hats hanging on a nail cloſe to the window, I had them to finiſh.

Was the window open?—Yes, I miſſed them directly, I ſaw ſomething whiſk over the window, and I ſaw the hats bulk out under his jacket.

Under whoſe jacket?——Under the priſoner's jacket: I ſaw him cloſe to the window, I called ſtop thief, and he ran up the next lane, and a man ſtopped him, I do not know who it was.

How near was the priſoner to you?——Cloſe to the window.

Did you ſee his face?—No.

Then how can you ſwear that is the man?——I am ſure.

Why?

Why?—Because there was nobody else nigh.

If you did not see his face, how can you swear that was the man?——I saw him immediately before he passed the shutters.

JOSEPH GATES *sworn.*

I know nothing of the robbery, I was coming by at the time, and they had the prisoner in the shop, I took him into custody.

Court to Payne. Who brought him to you?——I do not know who he was.

Was you present when the prisoner was taken?——Yes.

What was found upon him?—Nothing, he threw the hats away before he was taken, I saw him throw them away when he was half way up the lane.

Was he out of your sight?——No.

How far might it be before you took him?——About ten yards, I took him immediately, I was close by the hats when they were picked up; the hats are here; I do not know who picked them up and gave them to me.

Gates. I produce the hats, I had them from Mr. Hall.

(The hats deposed to.)

Mr. Hall. I had them from the boy, these are the hats which the boy had to do before.

PRISONER's DEFENCE.

—I was coming through Tower-street, and I picked up the hats under the window, and I saw the boy coming after me; I did not know who they belonged to, and I threw them away: I am a stranger, not long over from America.

GUILTY.

Transported for seven years.

Tried by the first London Jury before Mr. Justice WILLES.

20. WILLIAM COX was indicted for feloniously stealing, on the 30th of November last, one wooden trunk, covered with hair, value 5s. eight pair of cotton stockings, value 20s. seven pair of silk stockings, value 28s. eight muslin aprons, value 20s. four women's linen riding shirts, value 20s. fourteen linen handkerchiefs, value 14s. nine shifts, value 20s. one white linen petticoat, value 5s. one woman's linen cloak, value 10s. one gown and petticoat, value 40s. one riding habit, value 40s. six pair of ruffles, value 20s. a pair of callico sheets, value 20s. the property of Thomas Larkin, Esquire.

The witnesses examined apart, by desire of Mr. Garrow.

THOMAS LARKINS *sworn.*

I lost a trunk from behind my carriage on the 30th of November last; I was coming out of Hampshire; I missed it about half way up Ludgate-hill, I believe it was about twenty minutes, or half an hour after six; I do not immediately know every thing that was in the trunk, but I opened the trunk, and took an account of the things at the constable's house, I sealed it up again, I found the trunk about five minutes after it was lost; I found it in a shop on Ludgate-hill, and the prisoner in custody.

Mr. Garrow. It was, on the 30th of November, as dark as it is now?——Yes.

The lamps all alight?—Yes.

How much of the town had you come?—From Hyde-park-corner.

Had you observed yourself the trunk before?——No, I had not

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXIV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Cox.

——— WEST *ſworn.*

I am a coachman, I was on foot when I ſaw this, coming by the Bell Savage Inn on Ludgate-hill, between ſix and ſeven, I cannot ſay to a minute, I ſaw five or ſix men behind the carriage, I thought the man had a reſtive horſe that they were puſhing behind, and in half a minute I ſaw the man take the trunk from the carriage, three or four were helping it on the ſhoulders of one, I called out to the coachman, but he did not hear me; I ſtept about two or three ſteps to them, and made an alarm; I called out, you have taken the trunk from the gentleman's carriage, and you ſhall not have it, and they dropped it on the edge of the ſtones, and after they had dropped the trunk, they ſhuffled round one another, and I called, ſtop thief! and the witneſs Warren ran up and caught the priſoner, and brought him back.

Can you diſtinguiſh any of theſe four or five men that were round the carriage?—That was one of the men that was with them, the man that had the trunk in his arms was a taller man, he was not the man on whom they were putting it.

Mr. Garrow. It was a dark night?—No, it was not very dark.

Did you ſee his face?—Yes, I ſaw them all, they were round me when I ſpoke, the priſoner was brought back in a minute to the ſhop door where we threw the trunk in, and I ſaid that was one of the men, he was dreſſed as he is now, only he had a ſilk handkerchief tied round his neck.

Were people going by at the time, or was the ſtreet quiet?—There were plenty of people walking on both ſides of the way, I ſuppoſe there were thirty or forty people round the carriage, when I called ſtop thief, in an inſtant.

How long did you ſee them round the carriage?——Not half a minute.

You had not obſerved the young man at the bar till the people ran after, and you cried out ſtop thief?——Yes, I had, the people were all round.

Several of them ran, after the people ran away?—I do not know.

Do not you know the direct contrary, that a great number of the bye-ſtanders ran after thoſe they ſuppoſed thieves?—I ſtood by the trunk.

Anſwer

Anſwer my queſtion upon your oath; do not you know, that great numbers of the hue-ſtanders, as well as Mr. Warren, ran after thoſe they ſuppoſed to be thieves?——I cannot ſay whether they did or not, I know that the men that were taking the trunk all run.

Court. Was it Mr. Warren run after theſe people, or did other people run?——Mr. Warren, as far as I know.

Mr. Garrow. That will not do, I will not be ſo anſwered; do you mean to ſwear that nobody but Warren run after theſe men!——There might be.

Do you not know that there were?——I do not know, there might be other people run probably.

Court. Then why did not you ſay that?

Mr. Garrow. Have you always been in this ſtory, Mr. Weſt?—Yes, Sir, I ſpeak the truth.

Yes, yes, I know you do, that is for the Jury to judge of though a little; you have always told the ſame ſtory when you have been talking about this robbery?——I ſaw that he was one of the men that was there, and run away.

Have you always ſaid that, Mr. Weſt?—I do not know what you mean, I never was on ſuch an affair.

Yes, you have.——No, never.

Have you always given the ſame account?—I do not know but I have, to the beſt of my knowledge.

Then I will help you a little; you have always ſwore poſitively to the priſoner, do you remember being examined before my Lord Mayor?——Yes.

Do you remember my Lord Mayor aſking you, if ſomebody had not bribed you for the priſoner?——Yes, becauſe I was loth to ſwear.

Then you did not ſwear to him?——I ſwore that he was in company.

Mind what you are about, Sir, as I know the Short-hand Writer will take down very accurately what you ſay, for I promiſe you ſhall hear of it again.——He was one of the people.

I aſk you this, did you, before the Lord Mayor, ſwear he was one of the perſons?——He was one of the people round the carriage.

Did you ſwear ſo before the Lord Mayor?——Yes.

You did?——I believe I did.

Will you ſwear poſitively that the priſoner is one of the perſons?—One of the perſons.

Court. Did you ſwear that before the Lord Mayor?——I could not ſwear that he was the man that took the trunk from the carriage, I ſwore that he was one of the men that was round there, and that he ran away, and that Mr. Warren took him back.

Did you ſwear that?——Yes.

Mr. Garrow. Do you mean to ſwear, Sir, now, that was the account you gave before the Lord Mayor?—As near as I can tell.

Let us have ſomething poſitive, ſome one thing that we can lay hold of that is not true; did you before the Lord Mayor ſay, he was one of the men?—I could not ſwear poſitive he was one of the men.

Did you ſwear that?——I did.

You mean now to ſwear poſitively, that you told the Lord Mayor he was one of the five or ſix?——Yes.

What was it induced the Lord Mayor to aſk you, if you was not bribed by the priſoner, was not it becauſe you would not ſwear poſitively to him, and becauſe you equivocated ſo much?—My Lord told me I was upon a right cauſe, and told me to ſpeak the truth; I told him I would.

Then you did not firſt ſwear poſitively to the young man at the bar?——I ſwore he was one of the five or ſix, I would not ſwear at once.

How ſoon after the trunk was ſtolen was you at the Lord Mayor's?——The next morning.

Then you could not ſwear poſitively that he was one of the five or ſix?——I could ſwear that he was one of the five or ſix that ran away; my Lord Mayor aſked me if I had been bribed or threatened, I told him I had not, I ſaid I could not ſwear he was the man that took the trunk, but that he was in company.

Have

Have not you told the Lord Mayor, that you could not ſwear poſitively that he was there?—I knew he was there, and ſaw him run.

I muſt have an anſwer?—It is clear he was there, by the mens bringing him back; I meant I could not ſay he was the man that took the trunk.

Did you, or did you not, ſay to the Lord Mayor, he was one of the five or ſix perſons?——That was what my Lord Mayor made me ſwear.

My Lord Mayor cautioned you to ſpeak the truth?——Yes.

Had not you heſitated a little about this young man being one of the party?——I could not ſwear he was the young man that took the trunk.

THOMAS WARREN *ſworn.*

On the laſt day of November, I was going down Ludgate-hill in the evening (I live in Stationers-alley) I ſaw two or three men following a poſt-chaiſe, I rather made a bit of a ſtop to look, and went on a little further, and I ſaw the ſame men bruſh by me, and one of them ſaid, damn my eyes it will do; and I ſaw them run into the highway, after the poſt-chaiſe, I immediately croſſed the way, and run up Ludgate-hill after them; and juſt before I got to them, I ſaw the perſon that was examined juſt now, had hold of the handle of the trunk, and they were all round the trunk, five or ſix men; and he ſaid, they ſhould not have it; they had taken it from the poſt-chaiſe that went up the hill, and he ſaid your are all thieves, and he cried ſtop thief! and they all run away; and I ran after the priſoner and took him.

Court. When all theſe people were about Weſt, was the priſoner one of thoſe?—He was one that was amongſt them, and as ſoon as he cried ſtop thief he ran off, and I ran after him and took him; I am confident he was one of the five or ſix.

Did you ſee him quit Weſt and run off? Yes, I did, and he run up againſt the ſide of a houſe, and went to creep under a woman's elbow that I might miſs him, but I took him.

Did you never loſe ſight of him, till you took him?——I did not.

How far might he run before you ſeized him?——Three, four, or five doors at the moſt.

Was there a croud of people, or was he ſingle?—Juſt as he halloed out you are all thieves, I got as near to them as I am to this table, then I run after him and took him.

Mr. Garrow. I take it for granted, you do not mean to ſay, that all the perſons that were round Weſt, were concerned in the intention of robbing the chaiſe?—— They might be drawn by curioſity, but I think their intention was to hoiſt off the box; I ſaw two or three of them behind the chaiſe, I really think they were all of them concerned; there were a good number of perſons round.

It was very dark?——No, Sir, there were very great lights from two ſhops in particular, I ſaw no other perſon running after him; ſome run acroſs the way, ſome up the hill, and he turned round and run down the hill.

(The box produced and the things depoſed to.)

PRISONER's DEFENCE.

I was coming from Fleet-market, and was going to Friday-ſtreet to an acquaintance, I ſaw a great croud of people round this trunk, and I ſtopped, and this gentleman came and laid hold of me, and took me into a ſhop; I told him I would go with him any where, I have no witneſſes, becauſe I did not know of being tried to day, they told me in Newgate I ſhould not be tried.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

22. JAMES DUNN was indicted for that he, on the 10th day of July laſt, did utter as true, a falſe, forged, and counterfeited will and teſtament, with a certain mark thereto ſubſcribed, purporting to be the laſt will and teſtament of John Potter, with intent to defraud the United Company of Merchants trading to the Eaſt-Indies.

A Second Count with intention to defraud Thomas Newt and others.

A Third Count with intention to defraud Eneor Burgeſs.

A Fourth Count with intention to defraud Jenny Potter.

THOMAS FLETCHER *ſworn.*

This is the will of John Potter, I brought this from the Prerogative Court of Canterbury.

Mr. Keys, Priſoner's Council. Who had you that from?—From the record keeper, John Watſon.

When had you it?——This morning.

EDWARD LOVELOCK *ſworn.*

I am clerk to Mr. Charles Biſhop; a perſon attended the 10th of July to prove the will of John Potter, and a probate was granted of the will; I do not know who brought it to our office, I wrote the jurata upon it.

JOHN FLEMMING *ſworn.*

I am an attorney; in the beginning of July laſt, the priſoner applied to me reſpecting ſome wages he ſaid he was due to him, for the Rodney Eaſt-Indiaman; I deſired him to leave the will, and I would make enquiries at the India Houſe.

Court. How did he claim to John Potter?—As executor; I verily believe this is the will; in conſequence of his application I went to the India Houſe, to enquire what wages was due, and found there were forty pounds due to him, I returned the will to the man, and gave him directions to Mr. Charles Biſhop, in Doctor's Commons to make out a probate of the will; in the courſe of a day or two, or three, I received a probate of the will from Mr. Biſhop, I appointed to meet the man in the city, that I might attend him to the India Houſe; I attended him there, and Mr. Burgeſs then began to interrogate him, and I found him a ſuſpicious kind of a character, and I left him to Mr. Burgeſs.

Mr. Keys. Are you quite ſure as to his perſon?——Certain of it.

As to the will you made no memorandum on the will, at the time you received it?——None at all.

Therefore you have no certainty of the will, only a will of that import, or a will like that, has been in your hands?—I will not ſay this is the will, I verily believe it to be the ſame.

Court. I preſume you read the will, and looked at it?—I read it, and have not any doubt but that is the ſame will.

Court to Mr. Fletcher. Upon whoſe oath does the probate appear to have been granted?—Upon the oath of James Dunn, ſole executor; here is the book in which the original minutes of the Court is kept *(reads)* "on the firſt ſeſſions of Michaelmas term 1784, the probate was revoked, and adminiſtration ſecured to Jenny Potter, widow and relict of the ſaid deceaſed."

——— BIRCH Eſq. *ſworn.*

About the 12th of July laſt, the priſoner at the bar came to my office, at the India houſe, in company with Mr. Flemming, who has been juſt now examined, and produced the probate of the will annexed to John Potter, a ſeaman on board the Rodney, I was called out from where I generally ſit, and I aſked him if he was the perſon named in the will as executor, he ſaid he was, I then aſked him if he was a relation of the deceaſed, he ſaid he was a ſecond couſin, that Potter's Mother's name was Dowding, and ſiſter to James Dunn, I aſked him if he had received any money, as abſent money for the deceaſed; as being attorney to the deceaſed, I called for the book and found none had been paid, I obſerved the mark to the will, and I aſked him if Potter could write, he ſaid he never could write, I aſked him if he was preſent

at the time that Potter executed the will, he ſaid he was, and it was executed at the Crooked Billet, at Goſport, on Portſmouth, but I am not clear which, I aſked him if he was acquainted with the witneſſes, he ſaid he was, he ſaid that Buſh was Boatſwain of the Perſeus, and William Johnſon, the other ſubſcribing witneſs, was a waterman at Portſmouth, I aſked him what was the age of Potter, he ſaid about thirty nine at leaſt, he did not look older, then I ordered one of the clerks to bring me the muſter roll of the ſhip, in which I found Potter's name was entered, and aged fifty-two: having ſuſpicion in my own mind that the will was a forgery, I put off paying the money; the next time he came which was a few days afterwards, he perſiſted in the ſame ſtory, I put the ſame ſeveral queſtions to him that I did before, and I repeated the queſtion, particularly about his writing, becauſe at that time, I had evidence in my pocket, or in the office, that the man could write a very good hand, and I particularly aſked him about his age, and appearance, the priſoner perſiſted in the ſame ſtory, and the third day when he came I charged a conſtable with him.

EDWARD KING *ſworn.*

I am purſer of the Rodney, I knew John Potter, I ſhould ſuppoſe he was about fifty five, between fifty and ſixty, from his appearance, there was only one man of the Potter on board, I have not a liſt of the names of the men, but I know there was no other.

Burgeſs. I have the ſhip's ledger here.

Mr. Silveſter. Could he write?—Yes.

Have you ever ſeen him write?——He wrote that in my preſence, it is the receipt book for the ſlops.

Do you know when he died?——At St. Helena, the 14th of March, 1784, on a homeward bound voyage.

When did he go on board, at Portſmouth?——I do not remember the day.

Burgeſs. The 22d of July, 1782.

CHARLES RUSSEL *ſworn.*

I live at Portſmouth, I am a navy agent, I knew John Potter, when he came to me he did not belong to any ſhip, he was diſcharged from the Medway to Haſler hoſpital; and from thence he went to the Mars, after he was diſcharged unſerviceable from there, he came to me to make him out a power of attorney, to receive ſome prize money for the Medway, I ſaw him ſign this, I received ſome prize money, one pound two ſhillings and ſix-pence.

JAMES WARD, *ſworn.*

I am a ſeaman on board the Rodney, I knew John Potter on board the Mars hoſpital ſhip, he told me he had been on board the Medway before.

Mr. Silveſter. Where did Potter die?—At St. Helena, he ſaid he had a wife and Children at Exeter, and a brother at St. John's Newfoundland, he ſaid he was born at Exeter.

MARY RUSSEL *ſworn.*

I live at Portſmouth Common.

Did you know John Potter?——Very well, he came to me and ſaid he was an invalid from the Mars, he aſked me if I was acquainted with any of the officers on board the Rodney, he went on board the Rodney, with me, and remained on board, I never heard him ſay what ſhip he was of before.

THOMAS STEBBING *ſworn.*

I am clerk in the Navy Office, I have the ſhips books of the Medway, here is John Potter quarter gunner.

Where was the veſſel in April 1781?—The 15th of April 1781, ſhe was at Gibralter, ſhe ſailed from thence, ſhe arrived at Spithead the 7th of June; Potter appears to have been on board all that time.

Court. Does it appear from the Medway's books when Potter was diſcharged?——I have not the books here, but I remember looking into them.

Court. That will not do?——Who was boatſwain of the Perſeus?——James Burratt, from the 17th of September, 1780, to the 12th of April 1782.

Is there any ſuch man on board as Alexander Buſh?——No ſuch man, there was a Thomas Buſh came as acting boatſwain, when Burratt left the ſhip, I have examined, and there is no ſuch man of that name before 1782. Thomas Buſh entered on board in April 1782.

(The will read and the indictment examined by Mr. Keys.)

JENNY POTTER *ſworn.*

Court. How do you make Jenny Potter a witneſs?——She has letters of adminiſtration.

Court. But if this is a genuine will, theſe letters of adminiſtration may be again revoked, ſhe cannot be a witneſs againſt this will as forged, which takes all her huſband's property.

Mr. Silveſter. You have ſeen Potter's writing, look at this, is this his hand writting?——Yes, I believe them to be the hand writing of Potter.

Court to Priſoner. Where are the witneſſes you had laſt ſeſſion?——They are gone to ſea.

PRISONER's DEFENCE.

That will was made and delivered to me at Portſmouth, in the preſence of two or three people, who attended here laſt ſeſſions, and the ſeſſions before.

Court to Mr. Silveſter. This trial was put off for the purpoſe of revoking the adminiſtration.

Mr. Keys. It may be in your recollection Sir, that I oppoſed the motion, to put off the trial, on account of his witneſſes being in danger of going away.

Court to Priſoner. Who are theſe ſubſcribing witneſſes?——One is Alexander Buſh, he is gone to America, he ſaid he was boatſwain of the Perſeus, at that time, and the other was Johnſon, the waterman at Portſmouth; Neale was preſent, and two or three others, in a large room where they were drinking.

Court. Was this John Potter a relation of yours?——Yes.

Where was he born?——He told me he was born in the Iſle of Wight, I knew nothing of his family, I have been conſtantly at ſea, I was acquainted with him about twelve years, I knew he was a Couſin of mine, by what I heard my father ſay, and he acknowledged himſelf.

Do you know whether that John Potter that ſigned this will, had any wife or children?——He never told me, I never aſked him, he might for ought I know; I have nobody to my character.

GUILTY, Death.

Tried by the London Jury before Mr. RECORDER.

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23. RICHARD SMITH was indicted for feloniouſly ſtealing on the 19th of October, a black mare, price 40s. the property of John Gauncy.

JOHN GAUNCY *ſworn.*

I live at Winchmore Hill, I loſt a black mare on the 19th of October, about eight in the evening, I had had it to London that day, I came home at eight, I miſſed it, the next day I went after him three days, and could not find him, I found him on the 2d of November, at Farmer Holloway's, at North Mims, I am ſure the horſe I found was my horſe, I do not know the priſoner.

Mr. Garrow. What is the extent of Edmonton Common?——It is about ſeven hundred acres.

A good deal of wood upon it?——A good deal.

It is not at all uncommon for cattle to ſtray and be miſſing for ſome time?——Sometimes they will be loſt for a fortnight.

It was a fortnight before you found it?——Yes.

You do not know what buſineſs the young man at the bar is?——He was a hoſtler at the Bird cage, at Stamford Hill.

CHARLES CHADDICK *ſworn.*

I know but very little of the matter, I never

never ſaw the priſoner before, he ſaid he knew me, I was going to Colney, and he was following his landlord where he had ſlept the remaining part of the night of the 19th of October, which was the night the horſe was loſt, at eleven on the morning of the 20th, I met the priſoner, he was following his landlord in a little cart, the priſoner was on one horſe and led another, and the landlord ſays will you go with me, I ſaid I am going to the Hop Sale, the man hearing him call my name Chaddick, ſays he the hoſtler ſays you want to buy a horſe, ſays he this is it, I had it in a chop, at Walden yeſterday, I ſays whereabouts is the price of her, three pounds ſays he, ſays I it is better worth a guinea, it is a blind poor creature, it was not worth a guinea, but I gave him a guinea and a half, and he left the mare, and the money with me from Wedneſday till Friday, when he called for the money, I ſold the mare to this Holloway, on the Thurſday before the man called for the money.

What did you ſell her to him for?——I had a pig of him, and the difference was about two guineas, I was to give him a guinea and a half for the pig, and he gave me half a guinea and took the mare.

Mr. Garrow. Mr. Chaddick, do you know what you have been ſwearing all this time?——Swearing!

Aye, ſwearing that this horſe was not worth a guinea?—I would not have had him of a gift.

How came you to ſell him for ſo much?——He charged me rather too much for the pig, and I charged him rather too much for the mare.

I ſuppoſe you gave a guinea and a half for a pig, that was not worth nineteen ſhillings?——I believe he charged me too much for the pig.

And how come you to ſell it?——It did not ſuit me, as ſoon as I ſee them I can tell whether they are workmen or no.

How long have you been in the horſe-dealing line?——I only buy for my own uſe.

Do you mean to ſwear that horſe was not worth a guinea?——I do not ſay he was not worth a guinea.

But you have ſaid it was not a cheap horſe at two guineas?——No Sir, and the owner will ſay ſo.

How ſoon afterwards did you hear the horſe had been ſtolen?—I believe it was ſeven or eight days before I heard of it.

Do you uſually buy horſes in this way?——No, Sir.

Of a ſtranger in the road and know nothing about him?—No, Sir.

Did he come to your houſe to take the money?—No, Sir, he took it at the houſe where he uſed to ſleep at, he ſent for me.

And took the money before witneſſes?—Yes, he was at his dinner, other people preſent, and two days after the ſale he took the money for the horſe.

Has this young man been employed in conducting ſtrings of horſes, as they are called, to this town?——I have heard ſo.

Court. Are there any other witneſſes?—No, my Lord.

Court. Then there is no evidence at all, there is no proof, that this horſe that this man bought is the ſame horſe.

GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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24. The ſaid RICHARD SMITH was again indicted for feloniouſly ſtealing on the 2d day of November, one gelding of a bay colour, price 10l. the property of William Johnſon.

WILLIAM JOHNSON *ſworn.*

I live at Southgate, I loſt a horſe on the 2d of November, it was in my field, I ſaw him there that evening, I miſſed him the next morning, I found him I believe the Friday following, down within a little way of Hockley town with Mr. Inwood, I am ſure the horſe was the ſame horſe.

Court to Proſecutor. What is Inwood?—A publican and farmer, he keeps the Fleur

de

de Lis, I found him with Inwood upon him on the high road, juſt of this ſide Hockley; his houſe is in Hockley, I knew him as ſoon as I ſaw him, I went to Inwood and aſked him how he did, I did not know him before, he ſaid very well, I ſaid you have got a prettyiſh ſort of a horſe there, he ſaid he was going down as far as Dunſtable, but ſays I, I need not keep this a ſecret from you, for I dare ſay you are an honeſt man, and I am come for this horſe, for it is my property, and he ſaid he wiſhed every man had his own; nothing more paſſed, only we came away to Dunſtable, and he was very willing to deliver the horſe up when we came before a magiſtrate.

Where did he ſay he had the horſe?——He ſaid he had the horſe at Hockley, of Richard Smith, I cannot rightly ſay the day, he bought him, he ſaid, in change, he had given twelve pounds ſeven ſhillings, and had three guineas to boot.

Do you recollect when he ſaid he bought it?——No.

Did he ſay where?—I think he ſaid at Hockley.

Do you know any thing of Richard Smith?——No, I believe I have ſeen him before.

Did Inwood ſay there was any body preſent when he bought the horſe of Smith?—I heard him mention that he bought him at a neighbour's houſe.

Mr. Garrow. What might your nag be worth when you loſt him?——We laid him to be worth ten pounds.

This is your field adjoining upon the Common?——No, it joins the Green.

The horſe had been miſſing about a week before you ſaw him, how ſoon afterwards was this young man taken up?——The Friday following, the Tueſday I loſt the horſe, he was taken up before I found him.

Court. What was Smith taken up for?——For a mare that was ſtrayed before, as they told me.

Did you expect to find your horſe before you went to Hockley?—Yes.

Mr. Garrow. Farmer, this young man has been employed in leading ſtrings of horſes?—So I underſtand.

——— INWOOD *ſworn.*

I live at Hockley, at the Fleur de Lis.

How came you by this horſe?——I ſwapped with Richard Smith for a horſe and mare, and gave him three guineas to boot, it was the 3d of November, he told me he bought the horſe of a gentleman at Hackney.

Where did you firſt hear of any ſuſpicion that this horſe was ſtolen?—I met the proſecutor when I was going to Hockley, he challenged the horſe, I was ſurpriſed to hear it was his property, it was a great loſs to me.

Have you known Smith before?——I knew his friend before, and I knew him about four years back.

Where did you ſwap this horſe?——At Hockley, the landlord was by.

Mr. Garrow. This ſwap was made publicly?—Yes, the landlord was preſent, the young man told he was out of place and dealt for himſelf.

Court to Proſecutor. Are you quite ſure that this is your horſe?——Yes.

Had he any particular marks?—He had a blaze down his face, and four white heels, and he was hurt by the collar in the top of his neck, and he was blind of one eye.

Court. Then with theſe blemiſhes he muſt be a good horſe to be worth ten pounds, was he a cart horſe?—Yes, he was worth ten pounds; I am ſure it was my horſe, I have no doubt of that.

Priſoner. I leave it to my council.

The priſoner called three witneſſes, who all gave him a good character.

GUILTY.

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

25. LUKE ROGERS was indicted for ſtealing on the 29th of October, a tin japan plate warmer, value 9s. the property of Joſeph Lucas.

SAMUEL BEARD *ſworn.*

On the 29th of October laſt I was going from Queen-ſtreet to Long-acre, I ſaw a man at Mr. Lucas's ſhop window, and then I ſaw him ſtanding in the ſhop, and I ſaw him come out of the ſhop with ſomething under his arm, I followed him into Great Queen-ſtreet, and laid hold of him at the end of Wild-ſtreet, and aſked him if that was his property, he had a plate warmer under his arm, he ſaid it was his own; I took him back to the ſhop, he ſaid, Sir, do not make a noiſe, I will go back with you; he behaved very well.

JOHN FOWLER *ſworn.*

I am ſhopman to Mr. Lucas, on the 29th of October about five, there were two plate warmers in the ſhop for ſale, in about a quarter of an hour after a woman called into the ſhop, Sir! ſomebody has robbed you; I went out and met the laſt witneſs, and the priſoner with a plate warmer, it is Mr. Lucas's; there were two in the ſhop, and there was one miſſing, they were not marked, they had not been long come in.

Priſoner. I ſhall not preſume to trouble the Court with a defence after this evidence, but I truſt in your Lordſhip; I did not know that my trial would come on, though there are many reſpectable people in the Court I believe that know me.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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26. JOHN SHAW was indicted for feloniouſly aſſaulting Thomas Davis on the King's highway, on the 15th of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one metal watch, value 20s. one ſeal, value 2s. a gold key, value 1s. and four guineas and a half, value 4l. 14s. 6d. his property.

THOMAS DAVIS *ſworn.*

I live in Princes-ſtreet, near the Manſion-houſe, I am a tea broker; on the 15th of November laſt, I was robbed near twelve o'clock at night, near Bagnigge-wells, I was on foot coming from Princes-ſtreet, I was going to ſleep at Bagnigge-wells, which is my father's dwelling houſe; I was attacked by four men, who were on foot, who robbed me of my watch, and four guineas and a half in money; they with an oath demanded my money or my life; it was a dark rainy night.

Was there any light?—It was between two lamps; the gold ſeal and key were found by the patrol: I have no knowledge of the priſoner.

THOMAS ATKINSON *ſworn.*

I am one of the patrol, on the 16th of November, about ten minutes paſt ten at night, I ſtopped the priſoner, in company with four others, by the ſide of Mr. Green's rope-ground, called Bagnigge-walk, three more patrols were with me; and going to ſearch them, a gentleman and lady came up that had that moment been robbed.

Mr. Garrow, Council for the Priſoner. You did not find any offenſive weapons on this young man?——Nothing at all, on ſearching the priſoner I found a gold ſeal and key, we found nothing elſe upon him.

Court to Davis. What chain had you to your watch?—A black ribband, I had no chain.

(The ſeal and key handed to the Judge.)

Had you any thing faſtened to the ribband beſides the ſeal and key?—Nothing at all.

What was the impreſſion on the ſeal?—I believe it is a Shakeſpeare's head, but I will not ſwear to it, the key is an upright key,

ey, there has been a hook in the key originally, which is broke out, and which I think made the key particular, as I could ſafely ſwear to it.

Court. Look at that key?——This is the key.

Mr. Garrow to Davis. Bagnigge-wells we all know is a place much frequented by young gentlemen that are in buſineſs in town?—It is.

Is it uſual, when they ſtay late, to make parties to come home together?—I never go into the room, but many people go home together.

JOHN SERLE *ſworn.*

I am an apothecary, I live at Walworth, I have known the priſoner from the time he was five years old, I never heard any thing prejudicial to his character till this circumſtance of robbing Mr. Davis.

BENEDICK CHAFENEAR *ſworn.*

I have known the priſoner ever ſince he was eight or nine years old, he always bore the beſt of characters till this accident.

What is he?——He is apprentice to his father, an upholſterer; his father is a very reſpectable man in this city.

WILLIAM SAMUEL *ſworn.*

I have known him ever ſince he was in petticoats, he was a very ſober, honeſt lad; I never heard any thing amiſs of him before.

EDWARD LATTER *ſworn.*

I have known him about ten years, he was a very good induſtrious boy, always working with his father, to whom he is apprentice.

ALEXANDER HOOLE *ſworn.*

I have known him about three years, he was a very honeſt lad, he has done buſineſs for me in the undertaking line, and I always found him very honeſt.

ROBERT COOKE *ſworn.*

I have known him ever ſince he was a little boy, he had a very good character as I always thought; I live near his father, I have known him theſe thirty years.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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27. THOMAS TABBS, GEORGE HARRIS, the ſaid JOHN SHAW, THOMAS BUTTLEDOZE, and JOHN MOODY, were indicted for feloniouſly aſſaulting Thomas Francis on the King's highway, on the 16th of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, two glaſs drops ſet in metal, value 3d. one inch rule, value 2d. two papers of nails, value 1d. one knife, value 1d. and two ſhillings in monies numbered, and one counterfeit halfpenny, his property.

Mr. Peatt, Council for Harris and Buttledoze.

Mr. Garrow, Council for Shaw.

The witneſſes examined apart at the requeſt of Mr. Peatt.

THOMAS FRANCIS *ſworn.*

I live at Pancras, it was the 16th of November, I and my wife had been to ſee an acquaintance, and coming home from Long-lane, Smithfield, five men overtook us a little beyond the new cut going to Battle-bridge, in the hollow road leading from St. John's-ſtreet, it was about ten on the 16th of November, it was rather dark, and hazy, I think it rained a little, but why I am ſo poſitive, there were lamps all the way we went from Long-lane, in the publick carriage road; the priſoner Tabbs was the firſt that came to me, he demanded my life or my money, he caught hold of my collar, he ſaid, ſtop, your life or your money; I told him I had little money about me, I had left it all at home, but the money I had got they were welcome to, if they would not

uſe

uſe my wife ill, I told them ſhe was very big with child, my wife ſhrieked out, then two of them came round her, and ſwore if ſhe ſpoke they would kill her; when I begged of them again not to uſe her ill, they ſaid if I ſpoke they would murder me, and throw me in a ditch; and Shaw put his hands into my breeches pocket and pulled out what he found there, he aſked me for my watch, and put his hand into my breeches pocket, to feel for my watch, I told him I had left it at home, which was truth; after ſearching us, there were three about me, the other two were about my wife, they then bid us a good night, and went off.

What did you loſe?——I had about two or three ſhillings in my pocket, and ſome halfpence, a particular rule with tables upon it, and two glaſs drops in my pocket, one of which was off; there was an old knife, and there was a paper of tacks, and a particular bad half-penny, there was a piece of the ſide of the woman off the left hand as ſhe ſits, it is a baſe metal half-penny; I had a little favourite dog followed them, and kept barking at them, and I told my wife I would follow them; I purſued them fifteen or twenty yards diſtance, and kept ſight of them, they kept together and kept the foot path, and I heard them at laſt ſay huſh, and ſeveral little trifling words; after ſometime following them ſoftly, I heard the patrol, I ſaw three men meet him, I heard one of the patrol whom I know by the gruffneſs of his voice, ſay who are you? I then went up and ſaid, you are the man that robbed me; I then told the patrol to hold them, and they took them to the public houſe and ſearched them; and Tabbs ſaid to me, when they were taken, we did not uſe you ill, did we, I told him not ſo much as he might think of, for my wife was almoſt dead; then they were ſearched, and upon Shaw there was the bill of a ſale, part of it, and it ſeemed as if it had been torn, and the bad half-penny; on Tubbs and Buttledoze, I believe the reſt of the property was found, but I was not in the room while they ſearched them.

Then by your account, theſe men kept together, and never were out of your ſight till the patrol ſtopped them?——No.

Mr. Peatt. Did theſe perſons overtake you, or meet you?——Overtook me when they were coming down the hill, they were coming the ſame way that we were, but walked very quick, we were going from town to Pancras.

I was a very hazy night you ſay?—Not very, it was rather darkiſh, we could ſee the lamps, Tabbs firſt laid hold of me, I know Shaw's face, for he on a white drabiſh coat.

If you had ſeen the parties, any of them next day, ſhould you have known them?—Yes, if I had ſeen the faces of them I might; but I did not ſee the faces of any of them when I went into the room.

It was about ten?—Yes.

A great many of the Bagnigge-wells people were on the road I ſuppoſe?—I met the foot patrol a few minutes before, I ſaw no other perſons.

Can you recollect to a certainty, the number of perſons that were about you and your wife?——Yes, I ſhould think there muſt be more rather than leſs.

And you ventured to follow theſe five fellows, whoſoever they were, that robbed you, at the diſtance of fifteen yards?——I did, my wife at the ſame time ſaid to me, they would turn round and murder me, I ſaid, if they turned round I could run faſter than they.

What for the ſake of two ſhillings?—Perhaps to have them puniſhed for frightening my wife, for ſhe has ſince had a dead child on the occaſion, I did not loſe ſight of them at all.

It ſeems you was under ſome ſuſpicion from the patrol yourſelf?—I have come that way late.

They never took you to any place of ſafety?—No, Sir, never.

Did any of them attempt to eſcape of this cluſter that you followed?—No, they were all

all close together, they made no attempt to escape, they had no notion of my being so near them, I saw no other persons coming on the road.

If any person met them, could you see through them?——They could not meet them, because I was so close to them, none of them were out of my sight.

ANN FRANCIS *sworn.*

I have lain-in three weeks next Tuesday,

Do you know any of these men?——Gentlemen, I perfectly well know all their faces, but I cannot swear to any particular, but I believe all of them to be the same; they were never out of my sight, I was about two or three yards at the farthest.

Was you, who was behind your husband, near enough to see them?——Yes.

Did they ever get out of your sight before the patrol met them?——No.

Did they keep all together?—They seemingly kept together, they were very merry and jovial till the patrol met them, and my husband said, that he heard one of the patrol's voices, and he immediately ran after them.

Did they remain so in your sight, that you could see whether they continued in the same party, or whether some went off and others came?—No, they all continued in the same party, I am sure of that.

Mr. Peatt. You have only a general recollection of their faces?——No more.

Do you recollect seeing any persons cross over the way, about the time that the patrol surrounded the parties that you followed?——No.

To your knowledge or observation, did any person meet them, or in any direction come near them?——No, Sir, none that I observed, not one.

HENRY COCKER *sworn.*

I am one of the patrol, I stopped these men near the Bull, Battle-bridge, near the rope walk belonging to Mr. Green.

Did you meet them, or follow them?—Met them, we had just come down from Pancras, there were four of us, and we four met them five; there were three first, and two directly after them, not five yards from them, partly altogether, as they could come along upon the foot path; we suspected them, we immediately surrounded them, and took them to the Bull, at Battle-bridge, and searched them; but before we got to the public house, up came Mr. and Mrs. Francis, and said, they had been robbed, I searched Buttledoze, and on him I found this knife, under his stockings and breeches; the prosecutor owned the knife.

Mr. Peatt. Did you take Buttledoze?—I believe so.

Mr. Francis. This seems to be the very knife I used to have in my pocket, here is a very trifling mark at this end, I have taken notice of the knife; I found it going to Pancras, and I had a thought of engraving my name upon it, but I do not attempt to swear it, it is only like that which I had.

Court. Did you take notice of that flaw at the end of it?——I think I did, to the best of my knowledge, and I have known it for three or four months; I think I might, but I will not be positive, I took notice of no mark on the blade of it, I cannot say positively, but to the best of my knowledge it is mine.

(The knife shown to the Jury.)

WILLIAM PITTARD *sworn.*

On the 16th of November last, I and three more of the patrol met the prisoners at the bar all together, as close as they could walk; we surrounded them and took them, and just as we had taken them, the prosecutor and his wife came up just behind them; he said, hold them fast, they have just robbed me and my wife; we took them into the Bull, at Battle-bridge, and I searched Tabbs, and found this rule and two drops, and two papers of little tacks, which the prosecutor swears to be his property; I searched Harris, there was nothing found upon him that the prosecutor owned.

Prosecutor. This particular rule I know to be mine by the tables, a pence table, a multiplication table, and a numeration table; I never have seen another like it, that makes

makes me think it is mine, there may be others like it, but I will not be positive.

Court. This is not so uncommon as the knife by far, there are hundreds such as that; from the general appearance of it, do you believe it to be your's?——I do, these two glass drops, one of them has a little eye off it, we were working at them.

THOMAS ATKINSON *sworn.*

I am one of the patrols, we stopped the prisoners in Mr. Green's rope-walk, in Bagnigge-walk, they were all together.

Did any body come up after you had stopped them?——Mr. Francis was a little behind, he came up and said he had been robbed; I searched Shaw, and I found a bad halfpenny and a memorandum paper.

Mr. Garrow. You did not find any offensive weapon on Shaw?—No.

Or any knife?——No, only a common walking stick.

Court. Did you find any weapons on any of the five?——Nothing but a stick and a small knife.

How many sticks had they got among them?—Two or three.

Court to Francis. What sort of memorandum paper was that, that you mentioned to me before?—A bill of some few goods that I had bought at Mr. Key's sale, one Richardson was auctioneer, his clerk gave me a note of the money, there is my own name upon it, I believe there is seven lots upon it.

Is that the paper?——This is the paper, I can swear to it.

Mr. Garrow. I believe you did not chuse to swear that before the Magistrate?

Court. Then it is not material to ask you about the halfpenny, the halfpenny that is swore to be found on the same person?—— I told the Magistrate I would not swear to the halfpenny, here is a bit of the side of the woman off it.

JOHN SERLE *sworn.*

I am an apothecary at Walworth, I have known the prisoner Shaw above twelve years, he was then about five years old, he is an upholsterer, and apprentice to his father, who lives in Queen-street, Bloomsbury, a man of credit and reputation; I never heard any thing amiss of the prisoner Shaw till this time.

JOHN COOPER *sworn.*

I live in Queen-street, Bloomsbury, I have known Shaw near eight years, he was a very sober honest lad, that has been his general character, a very steady, sober, young man; I have seen him pass three or four times a day about his his father's business, he had been very much remarked for his sobriety and honesty.

JOHN JACQUES *sworn.*

I live in Little Russel-street, Bloomsbury, I have known Shaw these ten years, he bore a very good character; he has done business for me and his father too; he has been in my employment in places of trust, and has behaved honestly.

PETER ASHMORE *sworn.*

I have the honour of a place under my Lord Mansfield, every opportunity I have had of trying the lad, I always found him strictly honest.

BENJAMIN TUCKER *sworn.*

I live in Middle-row, Holborn, I am a milkman, I have known Buttledoze for seventeen or eighteen years, he is a very honest, sober, young man, his character has been a very good one.

THOMAS CROFT *sworn.*

I keep a public house, near Smithfield, I have known Buttledoze three years and a half, he bore a very good character, I never knew any other, he was always a sober, civil lad as ever I knew or heard.

CHARLES BATTY *sworn.*

I have known Buttledoze four years and better; I am a pastry-cook in Clerkenwell, his mother lived at our house these four

years; I never knew any thing of him but honesty; he is a milkman, his father deals in milk, he is a very honest sober lad, I live over against him, I have known him four years, he behaved with great order, decency, and regularity.

WILLIAM COX *sworn.*

I have known him the value of twenty years, he is a very sober, worthy, young man.

JOHN GALLEY *sworn.*

I have known Harris about four months, he came to lodge with me when he came from sea, from the East Indies, he behaved very orderly and well, as any young man could do, and bore a good character.

ABRAHAM GALE *sworn.*

I have known him these twelve years, I never knew him but a very sober, quiet lad.

Court. How long was he out on his last voyage?—About two years, he has been at home about half a year.

THOMAS WILLIAMS *sworn.*

I have known him about five years, he is a very honest, sober, industrious young man, I have always understood him to be so, I never heard he did any misbehaviour in his life, he is a labouring lad.

Have you known him within these two years?——During four months that he has been from sea, he has used my house backwards and forwards.

SARAH WILLIAMS *sworn.*

I have known him from a child, he had always a very good character, a very sober, quiet, honest lad; I have known him since his return from the East Indies, I never heard any thing to the contrary.

Prisoner Tabbs. My witnesses are gone home.

Prisoner Moody. I could not get my witnesses.

THOMAS TABBS, GEORGE HARRIS, JOHN SHAW, THO. BUTTLEDOZE, JOHN MOODY, } GUILTY, Death.

Tried by the second Middlesex Jury before Mr. RECORDER.

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28. WILLIAM ABBOTT was indicted, for that he, on the 18th of October last, feloniously and falsly did make, forge, and counterfeit, or cause and procure to be falsly made, forged, and counterfeited, a certain deed, with the name John How thereto subscribed, purporting to be a bill of sale of the said John How to Daniel M'Carthy, for 23l. 14s. 10d. with intention to defraud the said Daniel.

A Second Count, for uttering the same, knowing it to be forged, with the like intention.

DANIEL M'CARTHY *sworn.*

The prisoner applied to me on the 18th of October, in the name of John How, and produced a note; I asked him if his name was John How, and he said yes, his name was John How, of the Warren Hastings East Indiaman; one Myles, who is custody for another offence, was with him; says I, do you know him; he said, yes, he knew him, he was a seaman on board his ship; I advanced him twenty-one pounds fifteen shillings, after deducting the discount, and 6s. 6d. for the bill of sale; I saw him sign it.

Are you sure that is the man?——I have lost the memory of him, he kept his head down when he came, but I knew him when I saw him before the Justice; I verily believe that is the man, but I will not take upon me to swear positively.

CHARLES M'CARTHY *sworn.*

I indorsed that bill of sale, this is my hand writing, it was signed by the prisoner.

Are

Are you ſure he is the man? ——I am ſure.

WILLIAM CAVENOR *ſworn.*

I indorſed that bill of ſale.

Who ſigned it?——That is the man, I am poſitive of it, he is the man that wrote the name John How.

—— SHAW *ſworn.*

I was purſer on board the Talbot, I know the priſoner perfectly well, his name is William Abbott, he ſerved on board that ſhip, I do not know How.

Court. How long did he ſerve on board the Talbot?——I ſent him on board the Talbot in July 1783, and came here in 1784.

Court. When were theſe wages ſuppoſed to be due?—He was not a ſeaman, he was only a paſſenger out in one of the ſhips.

LARKIN HOW *ſworn.*

Had you a brother on board an Eaſt India ſhip?——Yes, on board the Warren Haſtings, he was preſſed the 4th of March, and died the 28th of April, 1783.

Look at that man, is that your brother? ——No.

Court to Shaw. Were the Talbot and the Warren Haſtings together?——The Warren Haſtings arrived at Bombay two days before we ſailed.

Then they were both ſhips together?—Yes.

Priſoner. I know nothing at all about it, I never was in M'Carthy's houſe but the time when I went in with four young fellows, and he invited me into the parlour, and ſaid there were ſome of their comrades; he aſked me what I was, I told him I was nothing, I ſat down in the kitchen, and ſo he took us up to the Juſtice's, and he could not ſwear to me then, and at the next hearing he could not ſwear to me; I never received a farthing of money from him.

GUILTY, *Death.*

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

29. HOLLAND PALMER, otherwiſe FARMER was indicted for that he, on the 10th of October laſt, unlawfully, fraudulently, and feloniouſly did utter and expoſe to ſale, to one Hannah Gabriel, wife of Francis Gabriel, one thouſand pieces of paper, with a counterfeit ſtamp thereon, knowing the ſame to be counterfeit, with intent to defraud the King.

A Second Count for uttering, vending, and ſelling the ſame, with the ſaid counterfeit impreſſion, with the like intention.

A third Count for expoſing to ſale one thouſand other pieces of paper with a counterfeit impreſſion thereon, reſembling the impreſſion of a certain other ſtamp, knowing the ſame to be counterfeit, with intent to defraud the King.

A Fourth Count for uttering, vending, and ſelling ſame, knowing them to be counterfeited, with the like intention.

The Indictment was opened by Mr. Silveſter, and the Caſe by Mr. Sollicitor General, as follows.

Gentlemen of the Jury. I muſt upon this occaſion beſpeak your moſt ſerious attention, inaſmuch as this caſe is of infinite importance to the public, being the firſt of the kind, and having very extenſive conſequences; but when I call your attention to the importance of the caſe, I do it ſimply for the purpoſe of fixing that attention, and in no degree to raiſe your reſentment; far be it from me to do ſo, for I need not tell you, what you already know; that there cannot be any thing of equal importance to the life of a ſubject; yet as the public good is ſo materially intereſted in this caſe, I am to requeſt a degree of your attention, and perhaps a little more than is neceſſary in many ordinary caſes: you Gentlemen very well know, that the legiſlature has thought it neceſſary to impoſe a duty on receipts for all ſums exceeding forty ſhillings, and not exceeding twenty pounds. The charge againſt the priſoner is, that he expoſed to ſale, or ſold, a number of counterfeit receipts amounting to three or four thouſand, importing the payment of a two-penny duty according to act of parliament.

Gentlemen,

Gentlemen, it is very plain that if ſuch a fraud as this is not vigilantly checked in its commencement, the ſecurity of people's affairs will be very bad indeed, becauſe if their receipts are not legally and properly ſtamped, they can be no evidence againſt a ſecond demand; you eaſily ſee therefore, how very extenſive the miſchief muſt be, and now if a well proved inſtance ſhould be laid before you, you will give it the attention it deſerves, becauſe in the preſent hour there hardly has been any inducement to counterfeit ſtamps whatever; ſtamps are things not very often uſed by a man in the courſe of his lifetime, therefore no extraordinary ſale was expected, but now that every one for his own ſecurity muſt have a great number by him, conſequently very large parcels might be forged, and may be ſold: in the next place, the price for which they were ſold is infinitely below the value for ſuch a number of ſuch ſtamps; for you will find, that theſe amounting to between three and four thouſand were ſold for fourteen guineas, not half the value; you ſee the temptation to perſons to purchaſe them at half price, and afterwards to ſell them to others: ſuch is the nature of the crime with which this priſoner is charged, ſuch is the miſchief, and conſequently ſuch the neceſſity of the board to lay before a Court and Jury, the firſt clear inſtance in which it has been detected; when I ſay clear inſtance Gentlemen, you will naturally ſuppoſe I ſpeak from my inſtructions; it is for you to decide; but according to the evidence in my hand, if it turns out according to my expectations, I think not much doubt will remain on your minds of the guilt of the priſoner. The ſhort ſtate of the fact is this, that the priſoner on Tueſday morning, and one Michael, an Iriſhman, called up one Hannah Gabriel, ſhe is the wife of Francis Gabriel, who keeps an old clothes ſhop in Chick-lane, this was about the beginning of laſt October; this Mrs. Gabriel had been acquainted with this Michael for ſome years before at a publick-houſe, and after ſome little converſation, he aſked her if ſhe would buy ſome receipt ſtamps; ſhe anſwered that if they were good ſhe would, he then gave her two two-penny receipt ſtamps on a ſmall piece of paper to look at, and told her at the ſame time, that he had ſent a man for more; after this on the Thurſday following between nine and ten, the priſoner came to Mr. Gabriel's houſe, and he produced four two-penny ſtamped receipts for her to purchaſe; ſhe ſaid ſhe would give him an anſwer in the afternoon, her huſband afterwards ſhewed them to ſome perſons, and were told they were good, and about two the ſame afternoon, the priſoner came to her houſe again, but ſhe could not give him an anſwer then, accordingly he called about four, and ſhe told him ſhe would buy them, he went away purpoſing to bring a large quantity on the Saturday following, and about ſeven on that day the priſoner came to Mrs. Gabriel's, and he brought twelve hundred two-penny ſtamps, divided into ſix parcels of two hundred each; ſhe found they did contain that quantity, ſhe was told by him at the ſame time, that the five parcels contained the ſame quantity, and that he had in all three thouſand and ſome odd hundreds beſides, and would bring more on the Sunday following; he deſired Mrs. Gabriel to let him have a couple of guineas, ſhe did ſo, and he went away; the Sunday morning, which was the morning following, the priſoner came again, and brought with him two hundred and twenty of theſe ſtamps, at the ſame time he produced a letter which he ſaid came out of the country, and that he had orders to purchaſe four pair of ſtockings, two handkerchiefs, and a round hat, (which you will particularly attend to) and a waiſtcoat to ſend into the country, the amount of theſe goods was 1l. 3s. 6d. theſe goods he took away about twelve on the ſame day; the priſoner returned again, and he brought with him one thouſand more of the ſtamps, and deſired to have a guinea more, his expreſſion being "*a guinea to go on.*" Mrs. Gabriel did not very well underſtand the meaning of that expreſſion; ſhe aſked him what he meant; his anſwer was, that the

ſtamps came from Dunſtable, and he muſt ſend the guinea and the things that he had purchaſed there; this occaſioned in her mind, a conſiderable degree of doubt about theſe ſtamps; ſhe aſked him if they were good, he told her they were: between ſeven and eight he came again the ſame day, and brought the remainder of the ſtamps, making together three thouſand and ſome hundred; when they began to talk about price, he inſiſted on twenty pounds, ſhe refuſed, but ſhe paid him nine guineas and a half and ſome ſilver; this with the ſum paid before, amounted in the whole to fourteen guineas; he told her he was going to the country, but might be heard of at the Bull Inn in Holborn; Mrs. Gabriel afterwards finding that theſe ſtamps were all bad, on Sunday evening ſhe delivered them to her ſervant Hannah Abrahams, and told her to leave them at the Bull Inn for the priſoner, according to his direction; this girl was coming out of a place called Field-lane, and Lucas and Mecham by name, two conſtables, obſerving ſhe had a bundle under her cloak, and being accuſtomed to ſuſpect bundles when they came from that part of the town, they took hold of this girl, and they found therein pretty near four thouſand counterfeit ſtamps; this maid was detained, and examined the next day, and Mrs. Gabriel was ſent for, and ſhe told the Juſtice if he would let the maid be a witneſs, ſhe would get the man; the parties were all ordered to attend my Lord Mayor at Guildhall, this Mrs. Gabriel's huſband was very much alarmed at the whole of this tranſaction, and he went in purſuit of the priſoner, and ſaw him by mere accident in Jewin-ſtreet, and followed him into Hounſditch, and David Levy the conſtable took him into cuſtody; he aſked for what, and Levy told him, and he then deſired to go to the publick-houſe.

Priſoner. Gentlemen, have I a right to contradict this gentleman, for there is not three true words in the whole, as I hope to be ſaved.

Mr. Solicitor General to the Priſoner. Give me leave to tell you, that the Jury are not to believe what I ſay, unleſs it is proved. Gentlemen, he ſaid he had theſe ſtamps out of the country, Levy ſearched him, and found a two-penny receipt in his waiſtcoat pocket; he refuſed to tell where he lived, upon this Mr. Major, the Engraver to the Stamp office was examined, and he found that theſe ſtamps were forged with a good deal of addreſs and art: the priſoner ſaid he had been employed at Dunſtable for five months, and had theſe ſtamps from Michael and Jones in Clerkenwell, and had ſold a large quantity to Mrs. Gabriel, and had paid the money to the perſon at the Horſe-ſhoe, Clerkenwell, and that perſon he believed was Thomas Jones; it was afterwards found that this man was connected with a woman of the name of Jones, who had lodged in a houſe belonging to James Slang, and upon examining the houſe of this James Slang, and enquiring who lived in it, and frequented that houſe, it was found that the priſoner at the bar had taken that lodging, and that he was frequently and repeatedly there: in that lodging was found a fly ſcrew, a model, and a conſiderable number of forged receipts hid in a feather-bed, and there was likewiſe found in this houſe, the hat that was purchaſed of Mr. Gabriel, as making up a part of the fourteen guineas, which is an important thing for your obſervation. Gentlemen, it will be neceſſary for me, having ſtated this ſhortly to you, to call the witneſſes; this caſe muſt be introduced, by proving to you the commiſſion under which the officers of the ſtamps act, next their order to make ſuch ſtamps, and then that that ſtamp was uſed for ſuch purpoſes, and that theſe ſtamps are not the genuine ſtamps ſtruck by this inſtrument, ſo made from proper authority, that authority too bottomed on an act of parliament. Gentlemen this is a ſhort ſtate of the caſe, and if it is proved to your ſatisfaction, you will then be under the diſagreeable neceſſity of finding the priſoner guilty; on the other hand, he will undoubtedly receive from the Court that protection, which every man on his trial has a right to, and I have no ſort of doubt but you

you will do that duty to the public on the one hand, and to the individual on the other, which is neceſſary for the adminiſtration of public juſtice, and peculiarly neceſſary in a caſe carried on by public proſecution.

——— BRETTELL, Eſq; *ſworn.*

Examined by Mr. Wilſon.

I am Secretary to the Stamp Office, this is the commiſſion by which the commiſſioners are appointed there names, are J. Bindley, William Waller, William Bailey, Richard Tickell, and Michael Falknere.

Did any, and which of them make any order for a ſtamp for two penny receipts? ——I beg leave to refer to the order, this order is dated the 21ſt of June, 1783, ſigned, J. Bindley, R. Tickell, William Bailey, theſe are three of the Commiſſioners, I know their hand writing, theſe are their ſignatures.

(The Order read.)

THOMAS MAJOR *ſworn.*

I am engraver to the Stamp Office.

Did you in conſequence of that order from the Commiſſioners make any two-penny die for the ſtamps?——I did.

Are they here?——I have brought the book of the entry of that very die.

GEORGE HARRIS *ſworn.*

Was the ſtamp uſed, that was provided by the Commiſſioners?——Here is a book where the impreſſion of the letter G is.

Has it been uſed ſince?——We uſe it conſtantly.

Have you uſed the others?——All of them at times.

(The Stamp ſhewn to the Jury).

HANNAH GABRIEL *ſworn.*

Examined by Mr. Solicitor General.

Have you ever ſeen the priſoner?——Yes.

When did you firſt ſee him?——The beginning of October laſt.

Where did you ſee him?——At our houſe in Chick-lane.

What paſſed between him and you upon his coming to your houſe in Chick-lane?——Firſt of all one Michael, an Iriſhman came.

What did the Priſoner ſay to you?——He ſaid he was recommended by this Michael, and aſked if we would buy any ſtamps, I told him yes, then he left two till about three o'clock.

What paſſed then?——I told him I could not buy them till Saturday night, this was on Friday, on Saturday night he brought one thouſand two hundred.

Priſoner. I hope they may all be examined ſeparate.

(All the other witneſſes ordered to go out of Court.)

Priſoner. My Lord, I have one queſtion to aſk, is it reaſonable that that gentleman ſhould put days and words into that woman's mouth?——I told the priſoner to come again on Saturday night.

What day of the week was this firſt coming?——It was on Friday.

Then this was the next day?——Yes, he then brought one thouſand two hundred, and aſked me for the money, and I gave him two guineas as part of the money.

Of what money was that two guineas a part?——He ſaid he had three thouſand and odd hundreds, he aſked me twenty guineas, for the three thouſand, and odd hundred.

What did you agree with him for?——For fourteen guineas.

Court. How many hundred was there over the three thouſand?—I cannot rightly tell.

Mr. Solicitor General. When was the one thouſand two hundred brought?—On the Saturday night, I gave him two guineas as part of the money, he came again on Sunday morning, he then brought two hundred and twenty, and he ſaid he was to buy two pair of ſtockings, ſome handkerchief, a round hat, and a waiſtcoat.

Did

Did the prisoner pay for those goods?—No he did not, he left this two hundred and twenty, till he brought the others, and took away these stocking and things.

How were these goods to be paid for?—To be taken out of the money that I was to give him.

How much did these goods amount to?—Twenty three shillings and six-pence.

When was the next time that you saw the prisoner?——He came again at twelve on the same day, he brought one thousand more, and he asked for the money, I said he should bring the whole, and I would pay him when he brought the second thousand, he said he wanted a guinea to go on with; I asked him how he meant to go on with, he said he was to send a guinea into the country along with the things he had bought.

Did you give him that guinea?—I did, I asked him then three or four times if they were good, and he said they were very good.

When did you next see the prisoner?—He came between day and night the same evening, and before I paid him the money, I asked him if they were good, and he said he would hang as high as Haman if they were not, I paid him the whole money, fourteen guineas.

Did you afterwards discover any thing particular about these stamps?——I enquired several times, and shewed them to several people, and they said they were good.

What did you discover about them afterwards?——I shewed them to a gentleman, who had a receipt book with stamps in his pocket, and then the gentleman found it out for me.

What did you then do with these stamps?——The prisoner said every Sunday he might be found at the Bull Inn, in Holborn; I sent our maid Hannah Abrahams, with these stamps to the Bull, to see if he was there.

Court. Did he tell you he came from the country?——He said he came from the country, and was going there again directly, but was to be found at the Bull Inn in Holborn, on the Sunday following, or any Sunday, I told the maid to go to the Bull, and ask for Holland Farmer, that was the Sunday following.

When did you first learn that these stamps were bad?—About Thursday.

What did you do with the stamps?——She took them with her.

Who put up these stamps for her, who packed them up at the time you gave them to the maid?——I did, I took them from the prisoner's handkerchief, and put them into my own handkerchief, I saw the prisoner no more till he was taken.

When was that?—I do not know rightly the day of the month when he was taken, it was just a week after I sent my maid with these stamps to the Bull.

Court. This man was a stranger to you, only saying he came recommended?—Yes.

What do you deal in?—In old clothes.

What occasion had you for such a number as three thousand stamps?—For to sell them again.

You bought them as two-penny stamps?—Yes, I did.

Did you know how much three thousand two-penny stamps were worth?——I did not reckon it up.

You know that two-pence must have been paid for each of these stamps, if they were genuine?—Yes.

He asked you at first I think twenty guineas, there was three thousand some odd hundred?——About seven or eight hundred.

Then how could you suppose if these stamps were good, that the man could sell them for less than they must cost himself?——That I do not know, I bought them to get something by them.

Yes, but how came you to suppose that this man would take less for these stamps than he himself had paid for them?—I do not know what he had paid for them.

The Rmainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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MDCC LXXXIV.

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Holland Palmer.

You underſtand my queſtion, but you do not like to anſwer it; how could you ſuppoſe that this man would come to ſell ſtamps to you for leſs than he paid for them himſelf?——I do not know, I am ſure.

You ſuppoſed them to be good when you bought them, did not you?—Yes, I did.

And you knew if they were good, he could not have got them for leſs than two-pence apiece?—He ſaid he had them from the country.

But you knew they would come to twenty-five pounds; then unleſs you ſuppoſed theſe ſtamps were either forged, or ſtolen, how could you ſuppoſe that he would take fourteen guineas, which was not a great deal more than a penny apiece?——I do not know, he ſaid he got them of a friend in the country.

But that friend could not have come by them honeſtly?—I do not know.

You did not trouble your head how he came by them, or whether they were forged or ſtolen, for he could not himſelf have got them for leſs than twenty-five pounds.

Priſoner. My head is ſo very bad, I have had a blow by ſome of the priſoners, I told her huſband my name was Farmer, and that this man ſent me to ſell them for him, I never was at the Bull Inn, in Holborn, in my life.

HANNAH ABRAHAMS *ſworn.*

Examined by Mr. Wilſon.

Did you ever ſee the priſoner before?—Not before I ſaw him at our houſe; I cannot tell what time it was.

What day of the week was it?—I believe it was on a Saturday.

When you firſt ſaw him there, did you hear him ſay any thing?—He brought ſome ſtamped papers.

Can you tell what number?——It was a great many, he wanted to ſell them to my miſtreſs, Mrs. Gabriel, and ſhe bought them.

What paſſed between your miſtreſs and him, when you firſt ſaw him there?——She bought the ſtamps.

What was ſhe to give for them?—When ſhe gave him the laſt money, ſhe ſaid that makes fourteeen guineas.

Priſoner. Remember you are upon your oath, you have ſwore falſly already.

Mr.

Mr. Wilſon. Do you know how many there were?—No, there were a great number.

Did you hear him ſay any thing about the number?—No, I did not, I ſaw him backwards three or four times, he came three or four times in one day once, but I cannot rightly tell what day it was; he was once there, and ſhe gave him two or three guineas, I do not know which, he bought ſome clothes at our houſe, he bought a hat, and handkerchief, and ſtockings, and a waiſtcoat.

You do not remember particularly any converſation, otherwiſe than that your miſtreſs bought theſe things?—No.

Had you ever theſe things?—My miſtreſs found they were good for nothing, and ſhe ſent me to bring them to the Bull Inn, in Holborn, that was the Sunday about ſeven o'clock.

Did you go with them?—Yes, I went with them, and at the bottom of Chick-lane I was ſtopped.

Who ſtopped you?—Lucas.

Did he afterwards let you go to the Bull Inn?—No, he took me to priſon.

Did you ſee the priſoner at the bar after?—I ſaw him at Guildhall, no where elſe.

Court. What did your miſtreſs deſire you to do with them at the Bull in Holborn?—I was to aſk for Holland Farmer, and to leave them there.

Priſoner. She tells the ſame ſtory as her miſtreſs. Did you hear me mention any thing of the Bull in Holborn?—Yes, he ſaid at our houſe, you may always find me at the Bull, in Holborn, of a Sunday night.

EDWARD LUCAS *ſworn.*

I am conſtable of the pariſh of St. Giles's in the Fields.

What day was it that you ſtopped Hannah Abrahams?——On Sunday evening, the 17th of October, about half paſt ſeven.

Where did you ſtop her?—At the bottom of Chick-lane.

How came you to ſtop her?—Seeing her have a bundle under her arm; I ſtopped her as a ſuſpicious perſon, and aſked her what ſhe had got there, ſhe ſaid ſhe had not got any thing; I ſaid ſhe had, and took the bundle from under her arm; I then went into the publick houſe to ſee what ſhe had got, I went into a back room, and opened this ſmall bag, it contained a quantity of ſtamps, lapped up in a handkerchief, there was nearly four thouſand. *(Two little bundles given into the Court, and opened.)* In conſequence of finding theſe ſtamps upon her, I aſked her where ſhe got them, and ſhe would not give any anſwer where ſhe lived, therefore I took her up to St. Giles's watch-houſe, ſuſpecting there had been a robbery or forgery, and the next day I took her before the Magiſtrate, in Hyde-ſtreet, Bloomſbury, ſhe then would not tell the Magiſtrate where ſhe lived; the next morning her miſtreſs, Mrs. Gabriel, heard ſhe was taken into cuſtody, and before the Magiſtrate, and ſhe came; this was on the Tueſday morning following.

How came Mrs. Gabriel there, do you know?—I really cannot tell, except it was from hearing that I had been down Chick-lane, and hearing from the publick houſe.

What morning did ſhe come?—On the Tueſday following, Mrs. Gabriel then told the Magiſtrates, Juſtice Walker and Juſtice Brittle, that if they would admit Abrahams an evidence for the Crown, ſhe would tell who the man was that ſhe had got the ſtamps from; accordingly, Abrahams was ſworn an evidence, and then Mrs. Gabriel ſaid, that the man was in cuſtody in the city, before my Lord Mayor.

What paſſed there?—The priſoner confeſſed before my Lord Mayor, the ſelling the ſtamps to Mrs. Gabriel, I heard him, he ſaid ſo once or twice before my Lord Mayor, in my Lord Mayor's preſence, he ſaid he did not deny ſelling the ſtamps to Mrs. Gabriel, but he believed them to be good ſtamps.

Court. What did he ſay, you ſay he confeſſed ſelling the ſtamps?——He ſaid very little, he wiſhed for a little more time, and that he would tell us where the ſtamps was.

Priſoner.

Priſoner. No, Mr. Lucas, not where the ſtamps was.

Lucas. I am not poſitive to what he ſaid, farther than in ſaying that he was concerned with one Jones.

Court. You told me juſt now, he confeſſed before the Lord Mayor, ſelling the ſtamps to Mrs. Gabriel, that, ſhortly ſtated, goes all the length againſt the priſoner; now you ſay, you cannot tell what he ſaid.——No further than his being connected with one Jones.

In what words?—He ſaid, he ſold ſome ſtamps to Mrs. Gabriel, which he believed to be good, and that he had about eight pounds in caſh, and the remainder in clothes; he ſaid that in the preſence of my Lord Mayor and ſeveral people; when I went with him to the counter, he ſaid he would tell us the perſon concerned in theſe ſtamps, which was one Jones, of Dunſtable, and a man named Mich. that lived ſomewhere about Old-ſtreet, or Clerkenwell, and if we would come, he would tell us the particulars of it, that they were concerned in the ſtamps, and that they had given them to him to be diſpoſed of: theſe are the ſame ſtamps that I took from Abrahams.

Priſoner. Had that woman any thing elſe with her at the time of the ſtamps?—Yes, ſhe had a piece of melted ſilver.

Priſoner. I ſaid I had ſold ſome ſtamps, but I could not tell that they were them.

(The ſtamps ſhewn to Mr. Major.)

Mr. Major. They are forged, I am ſure of it.

Court to Lucas. Did he ſay for what money he ſold the ſtamps?——He ſaid it was part in caſh, and the remainder in clothes, at the ſame time.

Did he ſpecify what the clothes were to come to?——No.

Priſoner. Whether I did not ſay at the time I was taken, that there was a perſon preſent at the time I had theſe ſtamps delivered to me?—I really do not remember that.

Court to Priſoner. The charge againſt you, is for ſelling theſe ſtamps, knowing them to be counterfeit; now obſerve, though it may be true that you received them to ſell for ſomebody elſe, yet if it appears that at the time you ſold them you knew them to be counterfeited, that will not avail you in your defence.

GEORGE MECHAM *ſworn.*

I was with Lucas when he apprehended Hannah Abrahams, on Sunday the 17th of October, about the hour of ſeven or eight, we thought her a ſuſpicious perſon, and ſhe was very loth to part with the bag from under her arm, Mr. Lucas took her to the publick houſe, the corner of Field-lane; then he ſaid, why, theſe are ſtamps, either the Stamp Office is broke open, or it is a forgery; he took her into cuſtody: I was not at the taking the priſoner; the priſoner ſaid he had them from one Jones and Mich. to ſell, and that he carried them to Mrs. Gabriel's, near Chick-lane, and he carried the money and the clothes back to the Horſe-ſhoe again to this man; he ſaid he had about eight pounds in money, and ſome clothes, but the whole ſum I cannot recollect.

Court. When he gave this account before the Lord Mayor, of where he had theſe things, did he ſay that he knew them to be ſtamps?——He was ordered to go back to the priſon, and he ſaid he would make a full diſcovery of the people; he ſaid if we would go to Dunſtable, to the Swan, there we ſhould find a full confeſſion of the whole.

Court to Brettell. Was you preſent when the priſoner was examined at Guildhall?—I was, he was aſked how he came by them, he ſaid he had made an acquaintance with two men, who informed him they ſhould have occaſion to employ him on ſome occaſion, and that ſome time after that, he met a man of the name of Mich. ſomewhere about Clerkenwell, and he gave him theſe ſtamps.

Recollect his expreſſion?——That he had given him theſe ſtamps that he had ſold or delivered to Mrs. Gabriel.

Did

Did he ſay what the bundle contained?—I am ſure he ſaid the ſtamps; he was aſked how he came to know theſe two people, he ſaid he was a watchmaker, and took a houſe at Dunſtable, that Jones came pretty frequently to Dunſtable, and he did not know where he lived, but if he was at liberty, he was ſure he could find them both: he wiſhed much to have his liberty, he ſaid he left Dunſtable after he found he could not live as a watchmaker, and that he met Mich. about Clerkenwell, that Mich. gave him theſe ſtamps, and recommended him to ſell them to Mr. Gabriel in particular, and that he received for them about eight pounds ten ſhillings, he recollected the different ſums, and caſt them up in his mind, and the waiſtcoat that was then on his back.

Court. Did he ſay any thing in your hearing, expreſſing his own knowledge what theſe ſtamps were, as to their value?—No, he did not, he neither ſaid he did or did not know.

Did he ever ſay what price Mich. had deſired him to aſk for them?——No, he did not, he ſaid the money he had received for them he delivered to them, and had had nothing for his pains but that waiſtcoat.

DAVID LEVY *ſworn.*

Examined by Mr. Wilſon.

I know the priſoner very well, I am a conſtable; I took him into cuſtody on the 19th of October, on a Tueſday.

What was he taken up for?—Mr. Gabriel came to my houſe, and told me to come with him; I went with him to Houndſditch, and the priſoner was coming along, and I laid hold of him, ſays I, I have a charge againſt you for making ſome ſtamps, and for ſelling them; ſays he, cannot we go to a public houſe, I told him it was not in my power to take him to the public houſe, I muſt take him to my Lord; ſays he, Mr. Gabriel gave me ſuch a ſmall quantity of money for the property, it will be the means of bringing us both into a hobble, unleſs he makes it up.

Priſoner. O, my God! thou wicked villain! as they laid hold of me, ſays I, what is it for, and he ſaid he could not tell.

Levy. And he told me I ſhould go to the other ſide of Moorfields, and I ſhould meet a man, one Mich. an Iriſhman, a luſty man, at the houſe of one Fitzpatrick; Catchpole went along with me, but we did not find him.

Priſoner. My Lord, I hope you will underſtand this Jew, and that he is a conſtable that receives money by this, as I underſtand.

Court. Is there any reward?——No.

Levy. I aſked the priſoner how he came by them, he ſaid they were brought out of the country, and brought to him to ſell.

JANE SLANN *ſworn.*

I live in Pump-court, White Horſe Alley, Cow-lane; you know that you took the lower room.

Priſoner. O yes, yes, I did, I did.

Did he occupy any other room in the houſe?—He took the room, I believe it was of a Friday, to enter on the Tueſday, and the Thurſday following, in the morning, the goods they brought, were taken away for rent from whence they came from, then his wife moved into another room that was cheaper, and laid upon ſome ſtraw.

Priſoner. I never came to the room.

Slann. About an hour after, that day, he came and aſked if his wife, or his old woman was at home.

Where did his wife take a room after this?——Next door, it is all belonging to us, we rent all the whole court, and he has not been ſeen for a fortnight, he came in a fortnight after, he uſed to come now and then, ſometimes he came pretty often, ſometimes we did not ſee him of a while, in particular, for ſix weeks he was there every day.

Was you there when the officers came and ſearched?——Yes.

What room did they ſearch?——The lower room, ſhe moved out of the garret into the lower room again.

Was it that room that the officers ſearched?—Yes, I ſaw what was taken out, theſe things were taken out.

Court. Was he ever in the lower room?—He took it, but he never was in it; he took a room at Ratcliffe-croſs, they had ſome goods elſewhere, and ſome they moved into the lower room, and I never knew where he was.

Mr. Soliciter General. My Lord, I confeſs *that* does not bring it home to him with reſpect to the room.

Court to Priſoner. Now this is the time for you to make your defence.

Priſoner. My Lord, I hope the witneſſes will be ordered out, I wiſh to ſpeak without contradiction.

PRISONER's DEFENCE.

As to the room, I know nothing of it.

Court. That is not brought home to you?

Priſoner. Then what elſe is there?

Court. I will ſtate the evidence, it amounts to this, that you ſold thoſe things to Mrs. Gabriel, as you have acknowledged to the conſtables.

Priſoner. The Gentlemen of the Jury may think I ſhould certainly have gone elſewhere, and not have remained in London if I knew any thing of their being bad, I received them of Mich. and as ſoon as I had ſold them, I returned him the money; there were two parcels, the firſt parcel I had two guineas for, but my memory is really treacherous with diſorder, the whole that I was to ſell them for, was ten guineas; if I did not get ten guineas for them, I muſt not ſell them; I came back and told him what money they were willing to give him, which was eight pounds ten ſhillings, the clothes and all incluſive; I knew not the value, I never had any thing to do with receipts in my life; I have plenty of gentlemen here, I have a witneſs that was preſent when I received them, when I was taken I had no money, I had not ſixpence.

Court to Levy. You ſay, when you took up this man, it was upon the information of Gabriel, where did you find the priſoner? Gabriel took me into Houndſditch, and going along I met the priſoner.

Where were you going to look for him?——He came to my houſe, and told me there was a perſon coming along Houndſditch, and I ſhould take him into cuſtody.

MARY HOWELL *ſworn.*

Do you know any thing about this matter with which the priſoner is charged?——No further than I went for a watch that he had cleaned, of my ſon's in Cowcroſs, I ſaw a man bring two bundles, but what they contained I do not know, I did not know who it was; he ſaid, carry theſe bundles for me, and he took the pen and ink and wrote, I did not ſee what he wrote; I do not know his name, his name was not mentioned; I have only known the priſoner within five months, at the public houſe.

Priſoner. Did you ſee any thing that was in the bundle?—It was bits of paper, but what they were I cannot tell.

GUILTY

Of uttering them, knowing them to be forged,
Death.

Tried by the ſecond London Jury before Mr. RECORDER.

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30. JOHN KELSEY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Page, about the hour of ſeven in the night, on the 6th of November laſt, and burglariouſly ſtealing therein, one linen gown, value 6s. one ſilk gown, value 10s. one crape gown, value 9s. a ſtuff gown, value 4s. three pair of gloves, value 2s. four caps, value 2s. a pair of ſtays, value 3s. two petticoats, value 10s. a dimity petticoat, value 1s. a pair of pockets, value 6d. four handkerchiefs, value 2s. a pair of gloves, value 3d. a ſilk cloak, value 7s. three aprons, value 7s. a wooden box, value 1s. the property of Elizabeth Major, ſpinſter:

And

And ELIZABETH COLLEY was indicted for feloniouſly receiving, about the hour of ten in the night, on the 6th of November, one linen gown, value 6s. and a ſilk cloak, value 7s. part of the ſaid goods knowing them to have been ſtolen.

ELIZABETH MAJOR *ſworn.*

I am a ſingle woman, I live in Kenſington-ſquare, my mother and me lodge in the houſe of William Page, I lived there in November laſt; on the 29th of November, my mother and me went out about half paſt ſix, and ſtaid till about half paſt eight; our room is on the ground floor, we left the door locked when we went out, I locked it; the people that belonged to the houſe, were at home up one pair of ſtairs, the ſtreet door was open, the windows were down when we went out, and we found the door open when we came back at half after eight; it was wide open, and the windows were half open, the lock of the door was a ſpring lock, and it was drawn back; we had only one window in the room, and that is in a back yard, and that was half open; there did not appear any marks of violence about it.

Court. Was there room enough for a man to get into that room?——Yes.

How high is this window from the ground in the yard?—About four feet, we found nothing in the yard, the firſt thing I miſſed was my box, I cried out my box; it was an oak box, it was found in the fields, there were four gowns in it, one linen; I had taken every thing out of my box that night, and put them in again, there were all the things mentioned in the indictment; I had left my ſervice the night the things were taken away.

Court. Did you ever ſee any of your things afterwards?——Yes.

Had you ever ſeen the priſoners before?——Yes, they live cloſe by where my mother lives; a pair of my ſtockings was found upon Kelſey's legs, at the Brown Bear, Bow-ſtreet; I know no more about it; the woman pawned ſome of my things, the linen gown and ſilk cloak.

Court. Are there any particular marks on the gown?——I had taken off the cuffs, the evening it was taken away.

CATHERINE BURGESS *ſworn.*

I heard a door ſhut, it ſeemed to be below where I was going in, there was a light in the next window, I obſerved the priſoner Kelſey to walk very quick, he had a box on his head.

Can you poſitively venture to ſwear that the priſoner Kelſey is the man?——Yes.

Did you know the priſoner before?—Yes, I thought it was ſomething of his mother's, I did not attempt to ſtop him; it ſeemed to be a darkiſh box about a yard long, as near as I can gueſs, it was about two hours after that, I heard the firſt witneſs complaining; I live within two or three doors, and I looked out of the window, and ſhe ſaid, ſhe was robbed; and I innocently ſaid, I ſaw Kelſey go off with the box; I ſaw his face, he came in front, I made way for the perſon that had the light to paſs me, he came up the yard where the woman lodges, it is an encloſed yard, there is no thorough-fare; I ſaw him not ten yards off.

Alderman Watſon. Tell me child, on what day was this?—On Monday laſt, was a week.

SAMUEL MAYNARD *ſworn.*

I ſearched Kelſey's lodging, in a little court the back of Pye-ſtreet.

What did the priſoner Colley ſay?—She ſaid, ſhe had pawned a gown and coat, ſhe ſaid nothing about the lodgings, I found I pair of pockets, two gowns, three pair of ſleeves, and two caps, and the remains in the fire place, of a ſilk gown, there appeared to have been a good many things burnt there.

Did you find any box there?——None at all, I have had the cuſtody of theſe very things.

Court to Proſecutor. Look at theſe things.

(The gown depoſed to by a bit of black ſilk ſtocking put a ſtrin the three pair of ſleeves depoſed to by a black ſtring, the two caps by being turned in.)

Proſecutor.

Profecutor. As to the piece of ſilk gown, I had one of the ſame pattern, but I cannot ſwear to this piece.

Court to Maynard. At what time did you find theſe things at Colley's lodgings?—At half after ten, on Tueſday morning.

What did Colley ſay?—She ſaid, there was a large bundle of things brought there the over night, and when I came, I found no more.

Did ſhe live in theſe lodgings?——Yes, and had lived there a week.

WILLIAM BIRD *ſworn.*

I am a pawnbroker in the Ruins, near St. Margaret's, Weſtminſter; the priſoner Colley brought a gown, and pawned it about nine at night; I am very ſure ſhe is the woman, I never ſaw her before, the diſtance from Kenſington-ſquare to my houſe is three miles.

JANE ELDRIDGE *ſworn.*

I live at No. 18, Old Pye-ſtreet; the priſoner Colley brought me this ſilk cloak for two ſhillings, about nine on Monday ſe'nnight in the evening.

(The cloak depoſed to by a mark in the neck.)

THOMAS DYER *ſworn.*

I belong to Bow-ſtreet, I was at Kenſington-gate, on Monday ſe'nnight at night, and there was information of a place being broke open: and a box of clothes ſtolen, and a perſon ſaw the priſoner, with the box upon his head; I purſued him, and found the two priſoners at the ſign of the Bell and Fiſh, it was a little before ten, I brought them away to Covent Garden watch-houſe; the next morning they were brought before Sir Sampſon Wright.

Did you examine the priſoner?—Yes.

Did you find any thing on either of them?——No.

PRISONER COLLEY'S DEFENCE.

On Monday night I went to ſee my brother, who lives cloſe by this girl's houſe, and I ſaw a man come out of this yard, and I ſaw this box ſtand in the middle of the road; I did not know what it contained, I aſked ſeveral people if they owned it, I found it was uncomfortable to carry, and I put it down, and the lid came open, and I took the things that came out, and carried them home.

PRISONER KELSEY'S DEFENCE.

A young man came to ſee me, and I went to the public houſe, and this young man aſked me to pawn theſe things, and I went.

JOHN KELSEY, GUILTY Death.

ELIZABETH COLLEY, GUILTY.

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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31. WILLIAM BENTON was indicted for feloniouſly ſtealing, on the 13th of September, a wooden box, value 12d. four ſilver diſhes, value 10l. two ſilver water plates, value 4l. two ſilver bowls, value 5l. a ſilver cheeſe toaſter, value 3l. a ſilver ſaucepan and cover, value 40s. three gold and ſilver hookers and tops, value 10s. three hooker ſnakes, value 10s. the property of Dame Suſannah Coote, and one ſilver tankard, value 3l. the property of the Reverend Weſtroe Hulſe, in a certain ſhip called the Bellamont, in the navigable river of Thames: and GEORGE GREEN was indicted for feloniouſly receiving on the 30th of October laſt, part of the ſaid goods, knowing them to have been ſtolen.

The Caſe opened by Mr. Fielding.

GABRIEL DAUETON *ſworn.*

I was Aid-de-camp to Sir Eyre Coote, and after his death I came home with Lady Coote; ſome time in the month of November, I went into the city to a ſilverſmith's ſhop, and from thence I went to one Benjamin a Jew; I did not go in, but in conſequence of ſomething that paſſed there, I went to Sir Sampſon Wright's, and I went to Mr. Godbehere's, there I ſaw a ſilver tankard

tankard on the counter, which I knew; in conſequence of that, I went to Sir Sampſon Wright's the next morning.

What ſilver tankard was that?—It was a ſilver tankard, that had been uſed in India.

When you went to the priſoner Benton's, what paſſed?——He was a gunner on board, I did not myſelf go in, till the officers had ſecured them; I went in at laſt and ſaw the priſoner, and aſked him what had become of the ſmall box of Lady Coote's plate, he firſt ſaid, he knew nothing of the matter, we then told him we had ſeen the Jew, who had a commiſſion for the ſale of it; that he ſaid, he had received the plate, and we had ſeen him, and therefore he had better own it.

Be accurate to the exact words you made uſe of?—We told him he had better own it, or tell who was concerned with him; at the houſe of the priſoner, there was a piece of a handle of a ſaucepan found, but I do not know that it was part of that plate.

Have you been able to ſee any part of the plate?—I ſaw a ſmall tankard, the ſilver hookers were found.

Mr. Garrow, Council for Benton. What was your department?—Aid-de-camp.

Had you packed the plate yourſelf?—I had not, there were ſeveral packages of plate, ſervices of plate, but theſe were put in a ſmall box.

Is the tankard here?—Yes.

Do you happen to know what metal it is?—It is ſilver, I believe, it is India made, and there may probably be ſome good, ſome bad ſilver.

Jury. It is not ſo good as the ſterling plate in this country.

SAMUEL DE SILVA *ſworn.*

Are you a Chriſtian?——Yes.

Mr. Garrow. Where was you baptized?——At Madraſs.

At what age?——At eight days old.

Mr. Fielding. You underſtand yourſelf to be a Chriſtian?——Yes.

You profeſs the Chriſtian Religion as far as you know of it; you know the nature of an oath?——Yes.

Did you ſee this box?——Yes.

Was there any particular mark upon it, writing or any thing elſe?——Yes, it is the box which I marked.

What did that box contain at Madraſs?——There were ſome ſilver plate put into that box, there were two bowls, one ſmall bowl and a big one, and four diſhes, and two water-plates, and one cheeſe toaſter, a ſaucepan, and a little mug, which I put in myſelf; I do not know who the little mug belonged to, I packed it up myſelf, I ſaw it lodged on board the Bellamont, Eaſt-Indiaman.

What do you think is the value accord-to your idea?—I cannot ſay.

Were they above the value of forty ſhillings?——I cannot ſay, there were four ſilver diſhes, and this little mug, I underſtood they were Lady Coote's property.

Mr. Garrow. You came home in the Belmont?—Yes.

How long were you on your voyage?—I think from Madraſs to St. Helena, was twelve weeks, and home eleven weeks, I ſpeak from memory, I did not pack all the other cheſts, that cheſt is here, I did not make any inventory of the things contained in the ſmall cheſt; I ſpeak of them from my memory, at the diſtance of many months; this box was packed the laſt.

Who packed the other cheſts?——The other cheſt was packed by Mr. Hulſe, I attended them to the ſhip, the ſecond mate attended them to the ſhip, they did not go with the ſmall box, I carried this box myſelf on board the Bellmont; I had not a note for that ſmall box, it was all delivered in the ſhip, then I think it was in the care of the officers.

But it never was delivered in the way the cheſts were delivered, taking a note, or receipt for it?——No, I had not a particular receipt for this box but I had a receipt for all the things coming ſafe on board, and this box amongſt them. The things I carried on board, I had a receipt for and the things I carried after and the box, I had a receipt for too; I am ſure of that, I

remembered this box, I wrote myſelf, Lady Coote, and I put the number on this part of the box, I did not mention that there was ſilver plate in it, I only mentioned ſuch a number this is the box that contained the four diſhes and the mug.

PHILIP ATKINS *ſworn.*

I am a waterman; I know both the priſoners, I have ſeen them on board the Bellamont Indiaman; on the 13th of September, I was employed by the priſoner Benton, he came to me about the latter part, and ſaid he had a box of Charots, they are like ſegars, to put on ſhore, he aſked us when we could come for them, I ſaid at night, he told us to come for it to the gun room port, and he gave me his box out, he ſaid it is a box of china, and I took it out of his arms, into my arms, ſays I, hand in the other things, ſays he, go along to ſhore directly with that box, I carried it to our own houſe for ſafety, and I never ſaw any more of him from that time to this, he told me immediately to go on ſhore, and I had no converſation concerning it, I ſuppoſe it was kept at Trippar's houſe for three weeks, Trippar is my brother waterman, no application was made for it during that time.

Do you know Green?——Yes.

Did he ever apply at the houſe for that box to your knowledge?—No.

Mr. Silveſter, Council for Green. Green was a ſeaman on board the Bellamont, was not he?——Yes.

What was your demand for carrying this box on ſhore?——We could not tell.

Does it happen frequently in this trade, that you are engaged in thoſe things that are called charot's, and thoſe for whom you ſmuggle, often cheat you?——Yes, often, we always like to ſee the inſide.

You are paid according to the value of the thing ſmuggled?——Yes, according to what they are.

You are never ſurprized when the box is opened, at the value being more than you expected?——No.

Seven o'clock is as good a time for ſmuggling as any?——Yes, Sir, juſt the duſk in the evening.

Did you never name any price you thought this box would come to?—No.

Did you never ſay that you ought to be paid eleven pounds?——At the proper value, it would be a ſhilling an ounce, but they told us it was china.

I believe that India made plate is contraband?——I cannot tell that.

I believe you ſmuggled ſome liquors for the priſoner Benton?——Yes, Sir.

Thoſe you were paid for?—Yes.

Mr. Fielding. If you had known it to be plate, you would have taken it as the property of the gunner?—Yes.

JOHN TRIPPAR *ſworn.*

I am a waterman; I was engaged with Atkins to go on board the Belmont Indiaman, I received that box at that time, I did not know the contents, he told us it was charots or ſegars, it ſtaid about three weeks in our houſe as nigh as I can gueſs; Green applied to our houſe for the box, he came down in company with one J. Smith, he was carpenter of the ſame ſhip, he ſaid he came for the box, I aſked him if it was for the box of china, and aſked him to come in, he ſaid it was not china, when he came in doors I aſked him for the key, he ſaid he had not the key, but the lock was good for nothing, he deſired me to bring him a hammer, and I fetched him a hammer, he opened the box, and there was four diſhes, two of them reached from ſide to ſide of the box, and two ſmaller, and there were two water-plates and a cheeſe toaſter, a ſaucepan, with a wooden handle, and cover, a three pint bowl and a pint baſon, and a pint mug with a flat cover, the mug was remarkable, I think I ſhould know the the mug again, if I was to ſee it.

How much do you think that mug might be worth?——I ſuppoſe it might weigh about five ounces, I do not know the value, the larger things were tied up in two handkerchiefs, and the ſmaller things Green put into his pocket; Smith ſaid at that time he had come from Benton for the things.

Mr. Silveſter. They were carried openly in handkerchiefs, were not they?—Yes, openly and publicly, in the middle of the day.

CHARLES

CHARLES SMITH *sworn.*

I am a waterman at Blackwall, I was at a public house, the Britannia, with Green; he intimated to me there was some plate at Benton's, at Poplar, to dispose of, this was the eleventh of last month, at the same time I saw David Benjamin on horseback, I says to Green, no doubt here is a man that will purchase it.

Did you call Benjamin in?——I went to the door, and spoke to him on horseback, he did not come off his horse, Green was not present.

Did Green and Benjamin enter into any kind of treaty?——They never spoke to one another.

DAVID BENJAMIN *sworn.*

Do you know the prisoners, or either of them?——I was at the Britannia, and one Wood called to me, and asked me if I bought silver, I told him no, it was a thing I did not buy, but if I could get any thing by it, I would either sell or buy, he gave me directions to Benton's house, somewhere in Poplar, and I went to Benton's house, and asked to see the silver, he told me I could not then, for there was another party concerned, I appointed to be down there on the Thursday, which I think was the 16th; I could not go till the 17th, I then saw a person that was there, which was Green the prisoner at the bar, then we were all in company together, then Benton asked Green, if he was agreeable to let me have a sample, or something of the kind, and Green said all that Mr. Benton did was right, and went away; I then asked Benton for a sample, and he gave me some plate, which I took to Mr. Rutherford.

When did you see any more of Benton and the plate?——I went to him in the afternoon, and I told him I thought I could sell the plate, to a silversmith in Leadenhall-street, and I would call upon him with a chaise, and he should go with me, and I would be with him about nine, or half after, I called upon him, and he put up the four dishes, a mug, and a tankard, we went to town, and baited at my father's; in the mean time I put it in a handkerchief, and took it under my arm to Mr. Godbehere's, a silversmith, in Cheapside.

How much did you get in the whole for this?——Eighty one pounds, three shillings, and ten pence.

Did you pay this money to Benton?—I was to pay him seventy pounds for it, I got ten pounds by it.

Do you remember a tankard there?——I believe there was, it looked like one, it was all battered and bruised.

Mr. Garrow. What is the value of that mug?——I do not know, I am not a dealer in plate.

This is the first adventure you have made in that way, upon your oath?——Yes, it is, upon my oath, and the first that I have sold by commission in this way.

Who instructed you in the price you was to have in this way by commission?——No person instructed me, I did not take it at a venture, when I came to settle with Mr. Benton, I paid him up the account, which he was agreeable to, and I got that by it.

You memory does not keep pace with your ingenuity at all, because you told my friend just now, that you received eighty one pounds; upon your oath, did you tell Benton that you received eighty one pounds?——No I did not, I told him I should expect to get something, if I sold it for him.

Did you tell him what that something was?——No.

Then you handed over seventy pounds, and told him you got a trifle by him, as you did before; what was the value of that tankard?—I cannot tell.

Where do you live?——No. 11, Artillery-lane, Bishopgate-street.

For what purpose is it that you keep the crucible on the fire?——I do not understand you.

Court to Silva. Had this plate Sir Eyre Coote's arms upon it?——I do not know, I remember the water plates and dishes had the coat of arms upon it, and the collar as a knight of the Bath.

Court.

Court. Did not that ſtrike you Mr. Benjamin?—There was neither mark nor ſtamp on the ſilver, there was no initials, it was all plain on my oath.

Court to Silva. Are you ſure the arms were there when you packed them?——I cannot be ſure.

SAMUEL GODBEHERE *ſworn.*

I keep a ſilverſmith's ſhop, No. 86. Cheapſide, I remember Benjamin applying to me to diſpoſe of plate, I ſhall be able to tell you the day by referring to my books, it was on the 18th of November, he brought ſome plate into the ſhop, he ſaid that was to be diſpoſed of, I aſked him if it was his, he ſaid no, he had brought it from the gunner of the Bellamont Indiaman.

What were the articles of the plate which he produced?——They were two large and two ſmall diſhes, two water plates, a cheeſe-toaſter, a ſaucepan, a cover and a mug.

What were the value of theſe articles, they weighed three hundred and twenty-ſeven ounces and a half, for which I paid 81l. 3s. 10s.

Court. Had theſe plates and diſhes Sir Eyre Coote's collar and coat of arms upon them?——Not a mark upon them.

I aſk that for your juſtification.——If it had been Engliſh plate, and had had no arms on it, I ſhould certainly have acted otherwiſe; but as it was foreign plate, and the property of a gunner, whoſe name and place of abode I had, and he left it me to make an aſſay, there were ſeveral gentlemen in the ſhop, all the men ſaw it, here is a mug, it is about the ſame quality as Spaniſh dollars.

There was a ſaucepan?——Yes.

Had that ſaucepan any handle?—It had not, I was applied to by Rutherford, and I never reſted till I found it out.

Mr. Garrow. Is this mug in ſuch a ſtate as to paſs at Goldſmith's hall?—It is moſt certainly plate, but not having paſſed, it cannot be called what we deem ſterling; I would not venture to ſend it to the hall without making a ſeparate aſſay.

Now conſidering it as old plate, and not ſterling, do not you think you have over valued it?——I and my clerk made an aſſay of the whole, and I think the diſhes were worſe.

But you have not aſſayed the mug?——No, therefore I cannot tell whether it is worſe or better.

There is ſome ſolder about the mug?—Yes, there is very little ſolder in it.

Court. At what value did you eſtimate it?——I ſhould gueſs it at the preſent price of dollars, which go at four ſhillings and eleven pence halfpenny per ounce at preſent, I fancy it is about fifteen ounces, value 3l. 15s.

(The mug ſhewn to Mr. Doveſton, and depoſed to by him.)

Mr. Garrow. Do you mean it was uſed in the family, or as excluſive property?—As excluſive property.

Mr. Fielding to Silva. Have you ſeen this mug?——Yes.

Was that the mug you put into the caſe?——Yes, it was Mr. Huſſe's.

EDWARD WOOD *ſworn.*

I keep the Britannia public-houſe adjoining to the water, the priſoner Benton left a parcel of plate at my houſe.

What was left at your houſe?——Four articles which appeared to me to be ſuch plate as I have ſeen come from the Eaſt-Indies, they were left about three weeks.

——— MACMANUS *ſworn.*

I produce the things that were left at the houſe of Mr. Wood.

Mr. Wood. They are the things that were left by Benton.

Mr. Garrow. You are acquainted with this buſineſs?——In the firſt part of my life I ſerved my time to the water, and have brought many a cheſt on ſhore.

When perſons come home from India, they intruſt the running their goods to the inferior officers of the ſhip?——Yes, and they apply to the watermen, and they are paid according to their value.

Theſe hookers are common things?——

I ſup-

I ſuppoſe they are thought no more of there, than copper is here.

PATRICK MACMANUS *ſworn.*

I went to apprehend Benton at his houſe on the 20th of laſt month, and I found him at home, Carpmeal and I went into the houſe firſt, and left the other gentlemen that were with us; we told him our buſineſs, he ſaid he knew nothing at all of the matter, then Mr. Carpmeal opened the door and came in, and when the gentlemen that went with me that belonged to Lady Coote came in, they ſpoke together, and ſhewed Benton the warrant, we ſearched, he ſaid there was nothing; we firſt ſearched down in the kitchen, then one pair of ſtairs, and in a cloſet in the one pair of ſtairs I found this handle of a ſaucepan, I came down and ſhewed it, he ſaid he knew nothing of it, we found nothing but that; upon his own perſon there was money and notes found.

Mr. Garrow. Do you know this honeſt dealer in Spaniſh wool, Mr. Benjamin? ——Yes, I know him.

——— CARPMEAL *ſworn.*

I went with Macmanus, I ſearched his pocket and found eleven guineas and three twenty pound notes, he opened his pocket book himſelf, and I found this paper, an account of ſilver, and a card of Mr. Benjamin's addreſs in his pocket, there were ſeveral of them in his pocket.

Mr. Fielding to Benjamin. Do you know this paper?——Yes.

Did you give thoſe to Benton?—Yes.

Mr. Garrow. Are they your writing, friend?——Yes.

Let me look at them then, for any manuſcript of yours muſt be curious, what is this?—It is the weight of the ſilver as he deſired, the other is the value.

Mr. Doveton. The hookers are very common things in India, it is impoſſible to ſwear to them.

Priſoner Benton. I leave my caſe to my Lord and the Gentlemen of the Jury.

WILLIAM DICK GAMAGE *ſworn.*

I am captain of the Belmont Eaſt-Indiaman, I know the priſoner Benton, I did not think I had two honeſter men in my ſhip than the priſoners at the bar.

And that is the eſtimation of all thoſe that know them?——Yes, I have truſted a great deal of property to theſe men, and never miſſed any thing, they might have robbed me of twenty thouſand pounds.

JOHN BEVAN *ſworn.*

I was chief mate of the Belmont, and have known Benton upwards of two years; during the whole time that I ſailed with him I looked upon him to be a perfect honeſt man, as far as my duty and his were connected; he had very great charges under his care, in all which he conducted himſelf with propriety in every reſpect.

CHARLES LINDEGREEN *ſworn.*

I was the ſecond mate of the Belmont, I knew Benton during the laſt voyage, he bore a very high character on board the ſhip as an officer, and for his honeſty.

GALPIN BAXTER *ſworn.*

I am a ſtationer in Leadenhall-ſtreet, I have ſupplied Benton with goods occaſionally, I have known him three years, he is a very honeſt man; I have credited both the priſoners, and they have paid me their different bonds and bills off with great honeſty ſince they came home.

——— WILSON *ſworn.*

I am clerk to Mr. Baron Eyre, I have known Benton ſix years, he has a very good character indeed; the Baron inſtructed me to ſay that he entertained a very high opinion of him.

DOROTHY FARR *ſworn.*

He ſerved as apprentice with my ſpouſe, and was ſervant to us eleven years and better; when his maſter died we had a great deal of charge, I never knew him wrong us of a halfpenny in his life, he was very

honeſt and ſober; I never heard him ſwear, nor ſaw him in liquor, I would have truſted him with a hundred pounds of my own.

WILLIAM BENTON GUILTY, DEATH.

In conſideration of his character, he was humbly recommended to mercy by the Jury.

GEORGE GREEN, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

Priſoner Benton. Aſk the officers of the ſhip whether they ever ſaw the box on board.

Mr. Lindegreen. I do not remember this box coming, it never came under the idea of plate, it might come into the ſhip, but I never gave a receipt for it, nor I never knew it was in the ſhip.

Mr. Doveton. My Lord, my Lady Coote ordered me in a particular manner to recommend the priſoner to mercy, as he bore a very good character before.

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32. EDWARD GARTH was indicted for feloniouſly ſtealing on the 29th day of October laſt, two live cows, value 17l. the property of Thomas Rhodes, the younger.

THOMAS RHODES *ſworn.*

I live at Tottenham Court, juſt through the turnpike, I am a cow-keeper, I am in buſineſs for myſelf; I loſt two cows, I never miſſed them till accidentally coming along Monmouth-ſtreet I ſaw one of my beaſts in a drove, I challenged the drover, he ſaid he had bought them of Mr. Chapman, ſaleſman in Smithfield, a perſon I very well know; the drover ſaid he was going to take it to Mr. Wright's in St. James's; I deſired him to make my compliments to his maſter, and tell him not to kill it till I ſaw Mr. Chapman; when I came to Smithfield I ſaw another of my cows in Mr. Chapman's cuſtody, and he told me they were brought to him by a perſon in the name of Hamilton, I ſaw the cows on Thurſday following.

Were they in milk?—No, they were what we call inter beaſt.

Were they going in the field?——They laid down in the fields, they laid down there a good while, we lay a quantity there, I ſaw them all ſafe in particular on Thurſday morning; as I knew I ſhould not ſee them on Friday, I made it my buſineſs to ſee them on Thurſday.

Mr. Peatt, Priſoner's Council. You ſay you had not ſeen theſe cows ſince Thurſday morning?—No.

How long have you had them?—I cannot ſay, we change our beaſt about from year to year, I have a great many, my father is a cowman; they do not feed together, we know them all be the colour what they will, I found the priſoner at the King's Head in Smithfield.

Was you ever miſtaken in a cow?——I ſhould know it if it was a thouſand miles off, in the midſt of a thouſand beaſt.

Court. Are you perfectly ſure theſe were your cows?—Yes, I have not the ſmalleſt doubt about them, I know them all by their colour, nothing more, and one of theſe cows is a particular grey one.

WILLIAM CHAPMAN *ſworn.*

I know the priſoner, I have ſeen him before; on the 29th of October laſt on the Friday morning, as I was going to Smithfield about half paſt ſix, the priſoner came, and ſaid he had brought two cows for me to ſell, he ſaid he brought them from Mr. Hamilton, of Holloway or Highgate, I am not ſure which, I looked at them, and booked them in that name, the name of Hamilton.

Court. Was there a Mr. Hamilton at Holloway that you knew?—No, I do not know any ſuch name.

Court. You did not buy the cows?——No, my Lord.

Did you ſell either of them?—I ſold one of them.

Did you receive the money for it?—No, I ſold it to a Mr. Wright, of St. James's-market,

market, a perſon I am very intimate with, and he had not paid me.

Did you pay the priſoner for that?——No.

Did you acquaint him that you had ſold it?——I never ſaw him from the time he delivered me the cow, when he ſpoke to me, till he was taken, which was about twelve o'clock.

Before that, Mr. Rhodes came to you?——Yes, Mr. Rhodes came about twelve, and ſaid that is my cow ſtands there, how came you by it; I told him a young man had brought them to me in the morning, and ſaid he brought them from Mr. Hamilton, of Holloway, that he left the cows with me, and was gone away ſomewhere, I did not know where; when the priſoner was taken up I was preſent.

What did he ſay?——He ſaid little or nothing to Mr. Rhodes, till he came before the Juſtice, then he ſaid he bought them.

Did he give any account of the perſon of whom he had bought them?——No, I do not remember.

PRISONER's DEFENCE.

I was paid for driving theſe cows to market, by one Hamilton of Highgate, he told me he was going into town, and deſired me to ſell them, accordingly I gave them to Mr. Chapman, and deſired him to ſell them, and I went into the King's-head, and had a pint of beer, and they came and took me up, I have ſeveral times carried cows to Mr. Chapman.

Court to Chapman. Had you ever any dealings with the priſoner before?—None, to my knowledge; I find ſince, he lived with a Mr. Herring, and he ſent three or four to me to ſell, and I have mentioned him to Mr. Herring, and he gave him a very good character; Mr. Herring lives juſt by Hampſtead.

Court to Priſoner. Did you ſend to Mr. Herring?——Yes, Sir, he was here four days paſt, he was here till eleven o'clock laſt night, my witneſſes were all here this morning, they are all over at the public houſe.

Mr. Chapman. I did not ſee him drive them into the market.

You did not know how they came into the market?——No.

ROBERT —— *ſworn.*

I was watchman at the ſmall-pox hoſpital, by the turnpike, Cold-bath-fields, on the 29th of October, on Friday morning, between five and ſix, I ſaw the priſoner come through the turnpike with two cows, one cow was a grey cow, the other was a dark mottled cow, it was light enough for me to diſcern the colour of his coat, and his face, and his hair, he came very cloſe to me, I never ſaw him before.

Do cows coming from Hampſtead-road come through that turnpike?——It is the road from Kentiſh-town.

Court to Rhodes. Where were your cattle on Thurſday laſt?——In the fields by the half-way houſe, it was in the forenoon.

JOHN REDMAN *ſworn.*

I am a victualler in Taviſtock-row, Covent-garden, I have known the priſoner fourteen years, I knew him to be an honeſt, hard-working lad, I never heard any thing elſe of him before, he bore a general good character.

MICHAEL REDMAN *ſworn.*

I am a milkman, I have known him a year and a half, his general character is an honeſt, hard-working lad, he worked for bricklayers; I got him into Mr. Herring's, and I was bail to Mr. Herring for his honeſty.

Court. Would you, if he was diſcharged, take him into your ſervice?—Yes, I would, I never knew any thing of him but honeſty, he behaved well.

The

The priſoner called two more witneſſes, who all gave him a very good character.

GUILTY.

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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33. GEORGE GOLDSMITH, LAURENCE HALL, JOHN SMART, and JOHN JONES, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe houſe of Samuel Satcher, about the hour of two in the night on the 30th of October laſt, and burglariouſly ſtealing therein, one watch with a metal caſe, value 20s. two ſilk cloaks, value 10s. three muſlin aprons, value 10s. three pair of cotton ſtockings, value 1s. two handkerchiefs, value 1s. three cotton handkerchiefs, value 2s. two ſilk handkerchiefs, value 4s. one pair of gloves, value 1d. four ſilver tea ſpoons, value 4s. one gold ring, value 4s. one ſilver ſtay-hook, value 2d. a china ſnuff-box, value 6d. a ſilk and ſilver purſe, value 3d. a worſted purſe, value 2d. a linen bag, value 1d. five guineas, value 5l. 5s. one half guinea, value 10s. 6d. three half crowns, value 7s. 6d. and 7s. in monies numbered, the property of Elizabeth Satcher, widow; one muſlin handkerchief, value 2s. ſeven hundred and twenty halfpence, value 30s. and eighty-four farthings, value 1s. 9d. the property of the ſaid Samuel.

SARAH SATCHER *ſworn.*

I am mother to Samuel Satcher, who keeps the Black Dog at Shoreditch; I have reaſon to remember the 31ſt day of October laſt, between the hours of one and three there were three men approached my room, and one of them ſtood with a piſtol preſented to me, or a pretended one, I cannot ſay which, the one did that, and the other two rifled my drawers, and took my money and clothes, and all that I had; the firſt demanded my pocket, and my money, and my keys, I gave it them, they drew the curtain when they firſt came in, then after that they took my money, my watch, and my clothes, I believe there was in all about eight guineas; there were three ſilk gowns, one damaſk, one tabby, and one black, it was a very good man's ſatin, and one linen, beſides, there are ſome things that the conſtable has; I loſt two gold rings, I loſt a ſilver and ſilk purſe, I have ſeen it ſince; I loſt a china ſnuff-box, and there was in that eight guineas, I believe I have loſt a pretty many ſilk handkerchiefs, I have ſeen ſome ſince that I know, but I have not ſeen them all; I have loſt two ſilk cloaks, which the conſtable has, one black and one blue, the blue is a flowered ſatin, lined with white, unmade; I loſt one very handſome muſlin apron, with an edging round it, and there is two beſides; I loſt four tea ſpoons; the purſe was a little fanciful thing, ſilk and ſilver, I think it was purple, but I cannot be ſure; I loſt a worſted purſe, and a pair of ſleeve buttons of no great value: when firſt theſe things were brought me, there was ſome pocket pieces, reſembling guineas, offered to me, but they were none of mine, my guineas were good, ſome of them have been found, there was no mark on the money; there were ſeven half crowns.

Mr. Chetwood. Do you know that the houſe was faſt before?——There was light with them, I ſaw two that waited upon me, one was very near to me; there was no light but what the *gentlemen* brought with them, and that was, I think, a dark lanthorn; I could not ſee a man's face, the perſon that ſtood over me I know very well.

Which of them had the dark lanthorn?——I cannot tell.

Which was he that ſtood over you?——*(Goes up to Hall.) Thou art the man!*

What was there in Hall's face, that enabled you to know him?——I know him by his hair, and dreſs, and ſize, there was a dark lanthorn.

But you know the nature of a dark lanthorn?

house?—I did not say it was a dark lantern, I think it was, but I believe it was light all round, there was a tall thin man, and there was a short man; my curtains are but thin.

What is that knife?—This is what the *gentlemen* left behind them.

Mr. James, Prisoner's Council. This is a public house?——Yes.

How long have you kept this house?—About a year and a quarter.

Your husband kept it before you?—No, it is my son, I have lived with my son many years for a maintenance, my husband has been dead thirty years, I came out of the country since his death, we have all lived together about a year and a quarter.

Who pays the taxes for the house, and is the occupier of it?——My son, I live with him, he keeps me, and pays the taxes.

Mr. Chetwood. Who had the care of the house that night?——My daughter.

Court. Was there any disguise over Hall's face?—None at all.

Had he any hat on?——He had, Sir.

How was he dressed?——I think he had something of a blue jacket on, I knew him by his sheing of hair as soon as I saw him, I saw him so much, that I knew him by his face and hair too, for I suppose he was with me twenty minutes, I might say half an hour and not tell any story, I had time enough to see him.

SUSANNAH SATCHER *sworn.*

I am wife of Samuel Satcher, I was last up in this house, I remember the doors and windows of the house were fast, there is a sash window backwards, I went to bed a little after one, I cannot tell just to a minute; we were alarmed by the watchman about three, I came down stairs and found the doors open, and the bar open, I had left it shut and locked over night, they had opened the sash over the door and come in, there were four table cloths and two aprons, that were dropped down in the passage, there were five silver spoons, and how much liquor I do not know, there were five five shillings worth of halfpence, there might be about twenty shillings in half pence and farthings, I think my husband must know the halfpence, he always makes them up himself, there was a pane of glass cut out, and the things that fasten the window were pushed out, and then the sash falls down, it was a sliding shutter the inside falls down.

Was the sash open?——Yes, it was left open when we come down, there was a bolt fixed to hold up the sash that it might not fall down.

Mr. James. What was this door that was left open?——A back door that leads into the passage, and then you go into the street.

You say you went to bed last, do you swear positively, and are you sure that there was no door or window open when you went to bed?——Yes.

Whose business was it to look round the house generally?——Mine, there never is any door or window open any night.

THOMAS HOSIER *sworn.*

I am a watchman in Shoreditch, on the morning of the 31st of October last, I saw one man, I do not know his name, at three o'clock on Sunday morning, six weeks ago, I cannot tell the month, because I am no scholar, I met him half way, in black dog alley, I saw him come out of the alley, and asked him what he wanted, he said nothing at all, he was going to make water, I went to take hold of him, and he almost shoved me down, the prisoner Hall is the person; there was a lamp at the end of the alley, I am sure Hall is the man, when I got half way down the alley, I saw him there, he said he was making water.

Prisoner Hall. The Justice asked that man, if he knew the man, and he came and pointed to me, he said it was the night before last, and I was in prison at the same time.

Hosier. I was then in liquor, I did not know what I was about, but I know now; they fetched me up before the Justice, but Mr. Willmot said, that man is in liquor, send him away; I am very sure and certain, I only saw him by the lamps, I kept hold of him about a minute, he shoved me off directly, I had just hold of his collar, I never saw him before in my life.

How long after?——I never saw him after, till that night, I never saw him before I saw him at the Justice's.

How long was it after the time you saw him in the alley?——I cannot say rightly, about half an hour.

The prisoner says it was only two days, how long was it;——Two days after, they said it was about a week, I cannot rightly tell how long it was.

Was it a day, or a month?——About a day I think so.

Was it the next day, you saw him at the Justice's?—I think so.

Are you sure of that as you are of his face?——I cannot say I am sensible of it.

DAVID LEVY *sworn.*

I am a constable in Duke's Place, I produce the property belonging to Mrs. Satcher, I took it from the prisoners.

How came you to know them?——Goldsmith we took in the night, here is a bag of half-pence, five guineas and a half in gold, three half crowns, seven shillings in silver, a gold ring, watch, and silver spoons; on the 31st of October, I being a constable, the watchmen, Thomas Bond, and Thomas Taylor, brought in the prisoner Goldsmith, into St. James's watch-house, Duke's Place, between three and four in the morning, he had a bundle under his arm, this is the bundle, I asked him what he had, he said he did not know, he said I came from Deptford, and my shipmates desired me to carry it along, I opened the bundle and saw it contained women's apparel, I bid him stand up, and in his coat pocket there were some half-pence, I put them into my hat, and asked him what half-pence he had, he said he did not know, out of his waistcoat there fell this linen waistcoat, then fell out some handkerchiefs from his bosom, then I found a silver purse in his pocket, half a guinea and three half crowns and seven shillings in silver, I opened his breeches, and there I found three pair of cotton stockings, and a pair of gloves, I opened the knees of his breeches, and behind there, in the bend of his knee, I found a watch, this watch fell out; I bid him open his mouth, and I took three guineas out of his mouth; I said then you had better tell me where your comrades are, and I will shew you some mercy, no, says he, damn my bloody eyes, I am done, and they are far enough off from me now, and you will never get them, I carried him to prison, and between six and seven, when the watchmen went off, I patrolled the parish myself, and I went round Leadenhall-street, and went into Houndsditch, and in Houndsditch I met the other three prisoners, and Aaron Levy who is another of the witnesses, and my watchman says to me, them are the three men, I followed the prisoners, and took them in the Minories, I took Jones, and I followed and knocked down Hall, I brought them all three to the watch-house, I first searched Jones, I opened his breeches and found two silk handkerchiefs, and a china snuff-box in his breeches pocket, and a crown's worth of halfpence he threw out of his pocket, they were picked up; on Hall I found four silver spoons, and two papers of half-pence; upon Smart I found a green purse, and seven shillings in silver, and six brass counters; when I took Jones to the counter, I bid him open his mouth, he would not, till he received a blow on the head, and then he did, I told him not to bite my fingers, when he opened his mouth, I got two guineas out of his mouth, he swallowed something which had like to have choaked him, I put my fingers down his throat, and pulled out the two guineas, and I gave him half a crown for not biting my fingers, here is all the property.

Court. Separate the things, and put together, first of all, the things you found on Goldsmith?——On Goldsmith I found all the wearing apparel, but two handkerchiefs.

Old Mrs. Satcher. The blue cloak I know by a piece in the back, I am very sure it is mine, it is a blue figured sattin, lined with white, I know it by the lining and sattin, I am sure it is mine, here is a striped kenting apron mended by myand another apron with a piece joined across,

Court. Let me ask you as to two or three of the things, look at the purse?——It is my purse, it is a present a young lady gave me, it is silk and silver, I have had it a dozen years, this china snuff box, I know full well, it is what my gold was in; as to the watch, I cannot tell the maker's name, it was left me by my daughter, I know it by the shagreen case, and by the etwee, that was bought very lately.

Court. Produce what you found on Jones?——The two silk handkerchiefs and this china snuff box.

Mrs. Satcher. I know this silk handkerchief, I hemmed it myself, this china box I

kept

kept my money in, what little I had, I always liked to keep ſix-pence under my thumb.

Produce the four ſilver ſpoons that were found on Hall?——I do know them very well, two of theſe ſpoons I have had ever ſince I was married, which is fifty years; I aſſure you in what I ſay, that green purſe I cannot ſwear to, I know nothing of the braſs counters.

Mr. James. How do you know that china ſnuff box?——It does not ſhut very well, I have no other reaſon.

Court to Levy. All the property that was found on Goldſmith was kept ſeparate?—Yes, theſe handkerchiefs have been kept by themſelves, I did not obſerve the pattern of the ſnuff box?—I am not ſure whether the lid was cracked or whole, but I think it was whole.

(Suſannah Satcher depoſes to the waiſtcoats.)

Levy. I ſaw the three priſoners between ſix and ſeven.

Had not you ſome money from Jones, after he was in the Compter?—No I found two guineas in his mouth, I gave him half a crown.

You ſwear you had no property from Jones, after this time you ſearched and apprehended him?——No, that I ſwear.

When ſome of the property was carried back to the proſecutrix, did not ſhe ſay it was bad money, and that it had been changed?——No.

ELIZABETH VARNICOT *ſworn.*

I live in Bolt Court, Shoreditch, with one Mrs. Dring, I was at the houſe of one Mrs. Borſhaws, on the 30th of October, it is a private houſe in the ſame court, Goldſmith was ſitting on the foot of the bed drinking, and he aſked me to drink, I can ſwear to the two Hall and Jones, this court is about half a dozen doors from the black dog, Shoreditch.

Mr. James. Who are you?—I take in waſhing, and I have been in ſervice, I have lived there eight months; I have a young man that comes out of the country with me, he is a watch and clock maker, he maintains me; I went to ſee after this young man, it is a private houſe, I drank with him for fear.

Had you ever ſeen Jones before in your life?——No, never, I ſaw him at Juſtice Willmot's, I took a great deal of notice of him, becauſe they ſaid he was going into the country.

Look at him again?——I can ſwear to Shaw and Jones.

The Priſoner Jones called three witneſſes to his character.

PRISONER GOLDSMITH'S DEFENCE.

I went that night to ſee my maſter, and I picked up this bundle coming acroſs Moorfields, ſome in one place ſome in another; I put them in my boſom, and I put the money in my coat pocket; Levy came and took me, he has not brought half of the half-pence he took from me.

PRISONER SMART'S DEFENCE.

I got up half after five, and went over Tower-hill, I changed half a guinea, and had ten ſhillings in my pocket, I gave my poor old mother three ſhillings; I went to the White Hart, and fetched her up a quartern of gin; I was going to Deptford to ſee if the Britannia Indiaman was out of dock, I intended to go to India; coming through Houndſditch I met with this man, and ſeeing him look like a waterman, I aſked him what it would coſt to go down by water to Deptford, there I heard a noiſe and I ſtopped, up came another man and laid hold of me, he took me to the watch-houſe, and took out that green purſe, and ſix pocket pieces, and a duplicate of my ſhirt for half a crown, my witneſſes are gone home.

GEO. GOLDSMITH, LAURANCE HALL, JOHN JONES, } GUILTY, Death.

JOHN SMART, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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34. RICHARD HOBSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Samuel Harris, about the hour of one in the night, on the 22d of October laſt, and burglariouſly ſtealing therein, two towels, value 12d. three aprons, value 3s. two flannel waiſtcoats, value 3s. five linen pockets, value 10d. one handkerchief, value 1d. one cap, value 1d. and one cloth cloak,

cloak, value 3s. the property of the said Samuel.

MARY HARRIS *ſworn.*

I am wife of Samuel Harris, on the 22d of October, our houſe was broke open; I was called up about one by the watchman, I let him in, I told him to look round the houſe, and he found the houſe was faſt as I left it in the night; I opened another door, and went into a houſe adjoining, I found that door open which I had locked the night before, it is a waſh-houſe adjoining to the parlour, it is under the ſame roof with the dwelling houſe, and the chimney runs into another chimney of the houſe; there is no ſeparation but the wall, and the door into it is from the yard; I locked that door the night before myſelf, I was the laſt up in the houſe; the clothes that had been in the waſh-houſe were gone; we went a little further, and found the priſoner in the neceſſary; he ſaid, he would go with the watchman any where, the clothes were not with him, they were carried out of the waſh-houſe, where they had been, and I found them in the yard, the yard is incloſed with a wall round.

Court. Is there any door into the yard, without coming through the houſe?—— One for the lodgers, that door was bolted the night before, the priſoner had got over the wall by what appeared, there was ſome bricks taken down.

Where is your houſe?——In Chiſwell-ſtreet, No. 87, the priſoner made no excuſe at all, the conſtable came to the aſſiſtance of the watchman, and he took the clothes the next morning, I kept them ſeparate that night, they were the ſame that were found in the yard.

The CONSTABLE *ſworn.*

I have had them in my poſſeſſion ever ſince.

(The things depoſed to.)

JAMES MAXEY *ſworn.*

I am the watchman, it was firſt obſerved by a part of the wall being broke down in the yard, when I ſaw the priſoner, I aſked him what he did there, he ſaid, he came to eaſe himſelf, I told him he muſt go along with me, he ſaid, along with you, where? he ſeemed to make a great many words, I brought him into the houſe, and on examining him I found theſe picklock keys, *(Produced)* I did not ſee where the clothes were found, when I was taking him to the watch-houſe at the end of Chiſwell-ſtreet, he attempted to get away, and I told him I would cut him down ſooner than let him; he ſaid cut away you bloody thief, I have been uſed to cutting away; I ſaid, I will cut your legs off before I will let you go.

JOHN PEARCE *ſworn.*

On the 22d of October, about one in the morning, I was alarmed by the ſound of a rattle, I ſprung out of the watch-houſe, and ran into Chiſwell-ſtreet, and I found this property in Mrs. Harris's yard.

JOSEPH HAWES *ſworn.*

I aſſiſted the watchman in taking the priſoner, as the other witneſs ſaid.

PRISONER's DEFENCE.

I went to carry a letter for one Chriſtopher Divers, a butcher, on the other ſide of the water, to the Red-lion, Iſlington; coming down Goſwell-ſtreet, I went to the ſign of the White-horſe, a young man ſat in the box, he aſked me my trade, I told him I was an iron founder, and came from Colebrook, in Shropſhire, we ſtaid till it was very late, I was much in liquor, I told him I lived on the other ſide the water, and I left him, and going up this place I went in there to eaſe myſelf, and this man came and caught hold of me, I have no witneſſes.

Court to Watchman. Was this man drunk or ſober, when you found him?—I do not know, he appeared to me to be pretty ſober.

GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

35. WILLIAM FINDER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Mew, about the hour of ſeven in the night, on the 24th of October laſt, and burglariouſly ſtealing therein one cotton gown, value 10s. his property.

JOHN MEW *ſworn.*

I live in Crown court, Charter-houſe lane, on the 24th of October between ſeven and eight, me and my wife were coming home, we went out at five, and left nobody in the houſe, the door was ſhut and locked, I am ſure it was double locked, I ſtood at the door and ſaw her lock it; there is only that one door in front, all the lower windows were faſt, I found the door as I came up the court half open and half ſhut, and by the light of the candle which the man had in his hand, I ſaw three men in the houſe, I made a ſtop for a ſecond or two, one of the men came out of the houſe, I aſked him what he had been doing there, he ſaid where, I ſaid in that houſe, he ſaid he had not been in the houſe, I ſaid you ſcoundrel you have, and collared him directly.

Did you ſee him come out?—I did, I immediately called out for aſſiſtance, and he called out to the other men, and they came out of the houſe and laid hold of me, in order to reſcue him from me, but my aſſiſtance came at the ſame time, and they made off, I had the priſoner into the houſe, and ſent for an officer, and he was committed, the officer found this bag with a gown of my wife's moved from the place where we left it, it was left in a bureau bedſtead, and my clothes that I have on, laid in the ſame place, and they were all moved down to the middle of the floor by the ſide of the bag, but this gown only was in the bag, it is my wife's gown, I am ſure it is her's, I know it by the time ſhe has had it, and I know it has never been out of her poſſeſſion on any occaſion, the man never went away from me till I delivered him up to the officer, I am quite ſure he came out of the houſe, there is no thoroughfare in the court, I am quite ſure the door was locked, there were ſome pick-lock keys found on the priſoner, and one of them opened the door.

JOHN DAVIS *ſworn.*

The night the priſoner was committed, I was ſitting by the fire ſide in the houſe, and heard a noiſe in the ſame court, and I went out and found the proſecutor and his wife

wife had each hold of the priſoner, and when I went in with them, I ſaw the bag lay on the ground with a gown in it, with the clothes on the floor by it.

WILLIAM PALMER *ſworn.*

The night the burglary was committed, I was ſent for between ſeven and eight; when I came into the houſe I ſaw the bag on the floor, and the clothes laying by it, and I took theſe picklock keys upon him, and this key, which was one of them, opened the door.

Court. This was on the 24th of October.——Yes.

It was not quite dark?——No, it was dark ſome time before we came back again.

The priſoner called four witneſſes, who gave him a good character.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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36. THOMAS CALE was indicted for feloniouſly ſtealing on the 23d day of November laſt, two live cows, price 10l. the property of John Stebbing.

JOHN STEBBING *ſworn.*

I am a poor man, and keep a few cows, on the 21ſt of November laſt in the morning about ſeven I firſt miſſed my cows, I keep them in a field at the back of Stepney Cauſeway, I know nothing of the priſoner, one of the cows was a ſtrawberry cow, with a good deal of white about her, and all along her back, and a good deal of white at her tail, her horns ſtand very wide; the other cow is a dark brown cow, her two hind feet are rather whitiſh, I went to the office of the ſitting Alderman the day after I miſſed them; the cows were then in the green yard, I ſaw them there, I knew the cows directly; I have had one of the cows about four years, and the other I believe I bought it about June laſt.

JOHN WILLIAMS *ſworn.*

About a quarter after twelve in Fore-ſtreet, I heard the cry of ſtop thief, and I thought there was ſomething miſſing, I ſaw three beaſt coming along the middle of the ſtreet and a man following them at a diſtance on the pavement; in the middle of the way on the 23d of November when I ſaw the cows, I thought they muſt be the ſubject I was called to, I ſaw a man in a red jacket, it was a light night, the lamps were alight, I cannot deſcribe the cows at all, I croſſed the way to the man, I ſaid to him, my friend where are you going with theſe beaſt, ſays he I am going to Smithfield, I collared him, and he ſeemed to make ſome reſiſtance, he told me then if I would let him go, he would tell me where he was going with the cows; I told him if he told me truth I would let him go, he told me he was going to take them to Pancras; I ſaid that was a bigger falſity than the other, that is not the road to Pancras, I did not remark the cows, I then called Cameron, and gave him the cows to go to the green yard, and I went with him, there were three in the whole; I took him to the watch-houſe, I ſaw the proſecutor the day after he was robbed at the Alderman's and the green yard, he ſaid they were his property.

DANIEL CAMERON *ſworn.*

I am a watchman, the laſt witneſs, Williams, ſtopped the cows, and called me, I aſked him if he had the man ſecure, he ſaid he had; I heard the priſoner ſay he was going to Smithfield, ſays Williams, it is the wrong day, I told Williams, ſays I, that will do, meaning that he ſpoke falſe; he then ſaid to Williams, let me go, and I will tell you where I am going, and he ſaid he was going to Pancras, he was going down Fore-ſtreet, Cripplegate, I firſt ſaw him oppoſite the end of Little Aldermanbury, then the priſoner ſaid he was going to the Green-yard with them; I ſaid, ſo he ſhould; I ſaw the proſecutor there, he owned the cows to be his property.

JOHN

JOHN BECK *ſworn.*

I am a watchman, I heard them going by Bethlem, I ſaw the priſoner with three cows, I called my partner, John Williams, and he anſwered; then Williams croſſed the way, and aſked the priſoner where he was going with the cows, and he ſaid to Smithfield market, and Williams told him it was not market day; the priſoner ſaid to Williams, if you will let me go, I will tell you, I am going to Pancras; Williams ſaid that was a greater falſity than the other, and they all went to the Green-yard together; I ſaw the proſecutor there.

What did he ſay to the cows?——He owned two of them to be his property.

Priſoner. I told them I was going to the Green-yard with the cows.

Beck. Yes, he ſaid ſo, after he had been in the two firſt ſtories.

FRANCIS STEBBING *ſworn.*

What age are you?——Seventeen.

Do you know the nature of an oath?—Yes.

With whom do you live?——With my father, I lived with him in November laſt.

Did your father loſe any cows in that month?——Yes, of a Tueſday afternoon, about half after two, one was a ſtrawberry cow, with a high hip, a good deal of white about her, the other was a brown cow, ſhe had white ſtars in her forehead, and white feet; I ſaw them in the Green-yard on Wedneſday, and knew the cows directly.

PRISONER's DEFENCE.

I know nothing about it, I was coming to Roſemary-lane between eleven and twelve at night, and I ſaw theſe three cows, and nobody with them, and I thought it was fitting to drive them to the Green-yard, as nobody was with them, and the watchman ſtopped me, I told him I was going to the Green-yard with them, and he took me to the watch-houſe; I have no witneſſes, I am a poor labouring man, and never was before a Juſtice before.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

37. WILLIAM FLINT, WILLIAM ANDERSON, MELVIN SIMMONDS and SARAH HOLMES otherwiſe BROCKLEY were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Powell, Eſq; on the 27th of November laſt, about the hour of ſix in the night, and burglariouſly ſtealing therein, one ſilver waiter, value 10l. three ſilver tea canniſters, value 5l. one ſilver table ſpoon, value 10s. two ſilver tea ſpoons, value 4s. one ſilver ſalt, value 5s. one ſilver ſalt ſpoon, value 1s. four glaſs caſtors, value 8s. four gold mourning rings, value 40s. a needle book with a ſilver cover, value 6s. one Spaniſh dollar, value 4s. and eight half-crowns, value 20s. the property of the ſaid Thomas Powell, Eſquire.

SARAH DAVIS *ſworn.*

I am ſervant to Thomas Powell, Eſq; he lives in Buckingham-ſtreet, York-buildings; I knew the priſoner Anderſon, he uſed to be employed about our maſter's houſe as carpenter, the priſoner Anderſon deſired me to go down to Weſtminſter to my father, and then he deſired me to go up to Clare-market to fetch a piece of pork, as he ſaid he would dine there; on Sunday about ſix I went, and returned about a quarter after ſix, when I returned, Sarah Parrot my fellow ſervant was in the houſe, ſhe went out in a few minutes after I came in, and ſomebody came and knocked at the door, and brought this letter, and ſaid it was for my maſter, when the man knocked at the door, I opened it, and he threw me down in the paſſage, and put my apron over my eyes, and covered them.

(The letter produced being a blank cover.)

Court. Was it dark at this time?—Yes.

Had you lighted candles?——Yes, then one took me into the parlour and aſked me where the money was, then I heard them whiſtle while I was down in the paſſage, and I heard ſome man come in and chain the door, and I told them if there was any, it was in the table drawer in the parlour; then they told me they muſt take me down in the kitchen, that no light might be ſeen

on

on the terrace walk, and one of them ſtaid with me in the kitchen with a loaded piſtol, and two of them went up ſtairs, when they came down ſtairs, he that was in the kitchen with me went out, and they all went up ſtairs together to the ſtreet door to go away, then the other two men ran away, and the other man, Simmons, came down and ſaid to me, if I did not reſcue him till three o'clock, he was a dead man, and he aſked me if I could not let him out at the top of the houſe, and I told him there was no door, and he aſked me if I could not cover him with clothes, and he told me if I did not cover him with clothes, and ſtay with him till ten o'clock, he would blow my brains out; I went up and covered him up with two beds, then I went down and called in the people to take him: I know the priſoner Anderſon, he was with us about three weeks before; the houſe was attempted to be robbed before, and my maſter aſked me if I knew an honeſt man to ſleep in the houſe, and I recommended Anderſon as an honeſt man, having known him twelve years; the bureau was broke open, and ſome drawers up ſtairs, and the things mentioned in the indictment were taken. I ſaw no perſon but Simmons in the houſe.

Mr. Garrow, Council for Priſoners. Dame, how long have you lived in Mr. Powell's family?——Thirteen years.

Now I remind you, you are upon your oath, and that the lives of theſe people are depending, take care to conceal nothing.—I have known Anderſon twelve years, he has worked in his buſineſs.

Have not you been very intimate with him?——I have not.

How happened it that he was to dine at your father's on Sunday?—He ſaid he had not ſeen the old folks a great while, and he would dine with them.

Has the priſoner Anderſon, in the abſence of the family, ſlept in Mr. Powell's houſe?—He ſlept there the time the houſe was attempted before, he ſlept there with a pair of piſtols loaded, and a blunderbuſs; my maſter deſired me to get an honeſt man.

You ſay you did not ſee any of the perſons that committed this robbery, except Simmons?——I think two more perſons came in after the firſt, becauſe I think I heard them talk.

How ſoon after the robbery did you ſee Anderſon?—He came about nine on that evening, and ſaid he would ſit up all night for the ſafety of the houſe, and ſat there all night; at one o'clock in the morning we went round to ſee the ſtate of the premiſes.

Did you find any thing in the courſe of that ſearch?——Yes, I picked up a ſilver book in my progreſs through the houſe, in the India room.

Anderſon was there then?——Anderſon took it out of my hand, and ſaid he would have it, I ſaid he ſhould not; I can ſpeak to it: I do not know what became of it after he had it, till the runners told me, I did not know he took it out of the houſe.

SARAH PARROTT *ſworn.*

At what time did you go out from Mr. Powell's?——Between ſix and ſeven, and returned in about half an hour, I left every thing ſafe, I took the key with me; when I returned I could not get in, they had chained or bolted the door, I waited a great while, and rung, and when I did not get admittance, I got over the iron gate in the terrace, and I looked in the kitchen, and I ſaw no light, and I looked farther, and ſaw two men through the laundry window, I do not know the men; then I went to the next gentleman's houſe, and got aſſiſtance to take them, and he went up Buckingham-ſtreet for aſſiſtance, and I ſaw two men run out of the houſe; then we tried to get in, but could not, when the two men got out, the door was unchained, and another perſon chained it after them.

Mr. Garrow. Who ſat up with you that night?——Two coal porters and Elizabeth Davis; the ſaid Anderſon came afterwards, and he ſat up with us to protect the houſe, he ſaid he ſlept there a fortnight before, he was acquainted with Davis, I did not know by whoſe orders he ſlept there, we went

round the houſe about one, and Elizabeth Davis picked up a ſilver book in the India room.

Is that the ſilver book that has ſince been found on Anderſon?——Yes, ſhe picked it up about one.

What became of it at that time?—Davis had it in her hand, and the priſoner ſaid he would have it, and ſhe ſaid he ſhould not, there was a ſtruggle between them, and we went down ſtairs, and I know no more of it, I never thought any more about it, he ſaid he would return the next morning to clear up his character.

Was this a familiar ſtruggle?—He ſtood on this ſide, and *ſwitched* it out of her hands.

Alderman Watſon. What do you mean by his returning to clear up his character?—He ſaid he would return, becauſe the neighbours had accuſed him of being concerned in the robbery, he ſaid that at that time, and different times in the night.

DAVID JONES *ſworn.*

I went to Mr. Powell's houſe on the alarm, about ſeven in the evening, the ſervant, when I was going to break the door open, came down, and ſhe had a ſmall baſket of plate, ſuch as table ſpoons, and ſome ſpoons in her hand, I aſked what ſhe would do with them, ſhe ſaid ſhe would put them behind the door; I aſked her how many thieves there were, ſhe ſaid there was but one; ſays I, do not be frightened, ſhe ſaid he was up three pair of ſtairs; ſhe ſaid ſhe had covered him up, he ſwore he would blow her brains out if ſhe did not; I went up, and the priſoner Simmons lay under a bed, I had a ſword in my hand, and ſays he, for God's ſake, ſpare my life, ſays I, do you ſurrender quietly, he ſaid he would, I ſaid, then nobody ſhall hurt you; he ſeemed very much frightened, and when he got up, I put my hand into his pocket, and found this piſtol, with theſe three ſlugs, and this crape; I tied his arms round with my handkerchief, and took him to Bow-ſtreet.

JONN ATKINS *ſworn.*

I apprehended three of the priſoners, Anderſon, Flint, and the woman, I ſearched Anderſon, and under his arm I found this little pocket book next his fleſh, for he ſaid he had a hole in his pocket, but he had not.

(The book depoſed to.)

Court to Davis. You have never found any of the articles of plate that were miſſing?——No, Sir.

THOMAS CAMERON *ſworn.*

I keep the Thiſtle and Crown in Church-court, I know Anderſon, I ſaw him on the 27th of November, about nine o'clock, I am not poſitive I ſaw him before that, there was one Walker in his company.

DAVID SINCLARE *ſworn.*

I am ſervant to Mr. Cameron, I know Anderſon, I ſaw him on the Saturday or Friday night in the evening, I cannot anſwer which of the nights it was; I heard the confeſſion of Simmons taken; I did not ſee him ſign it.

Atkins. The confeſſion was read to him upon the ſecond or third examination, and he ſaid he believed it was true, I did not ſee him ſign it.

THOMAS CARPMEAL *ſworn.*

Was you at Bow-ſtreet when the examination of Simmons was taken?—Yes.

Did you ſee it ſigned?——I did not; here is a piſtol key found on the woman priſoner.

Court. The confeſſion cannot be read.

Priſoner Anderſon. I can give very good proof where I was at the time the robbery was committed.

Mr. Garrow. It is not neceſſary for you to call any witneſſes.

Priſoner Simmons. I am very innocently brought into this affair by another perſon, I was

I was in liquor, and very much in diſtreſs; I have not a friend in the world.

WILLIAM FLINT,
WILLIAM ANDERSON,
SARAH HOLMES, } NOT GUILTY.

MELVIN SIMMONS, GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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38. JAMES SMITH and FERDINAND DOWLAND were indicted for feloniouſly ſtealing, on the 8th day of November laſt, one black mare, price 30s. the property of Hannaſh Marſhall.

HANNAH MARSHALL *ſworn.*

I go a duſting, and keep a cart and a mare, on the 8th of November my mare was taken out of the place where I paid for its ſtanding, in an old ruined houſe; I cannot ſay who took it out, I found it at Mr. Minſhall's, he buys them to kill for the dogs; I know her by the marks.

Was it alive when you found it again? —Yes.

How long after you miſſed it?—I miſſed it the next morning, when I wanted it to go to work, and Mr. Minſhall ſent his boy up our way to know who had loſt it, becauſe he thought it was ſome poor perſon's that could not afford to loſe, and I went down there and ſaw it.

JAMES MARSHALL *ſworn.*

I am a duſtman, I tied up my mother's mare over night, and I miſſed it in the morning; I went to Mr. Minſhall's when he ſent for us, and I found my mother's mare there; I do not know who took her away.

Priſoner. Was the mare ſtole before we were in trouble; it has been found in the ſtreet ſince.

Court. When was the mare found again? —It was found one night ſince, a little boy came and ſaid ſhe was in the ſtreet.

——— MINSHALL *ſworn.*

I live in Bedford-ſtreet, Liquor-pond-ſtreet, I boil horſes for the dogs; on Monday night the 8th of November, about twenty minutes or half an hour after eleven, the two priſoners brought this mare to my gate, they aſked me a guinea for it, Smith was upon the back of it, and the other ſtood at the gate, and I aſked them whoſe it was, and they ſaid it was their own property, that they bought it and gave two guineas and a half for it, and they were partners in a duſt cart, and had it three weeks; I looked at it, and ſaw it was blind, and I aſked them what made them bring it at that that time of night to ſell, they ſaid it fell down under a load of duſt, and they could not get it up again; I looked at it and found it was very clean, as if it had juſt come out of the ſtable; I aſked them a good many more queſtions, and at laſt I aſked them whether it was a horſe or a mare, and they ſaid it was a horſe, I looked and found it was a mare, and I told them I ſuſpected them, and then they uſed a many bad expreſſions, and Smith ſaid I wanted to ſwindle them out of it; Smith went out under pretence to make water, and he ran up a paſſage and I ſtopped them, I ſent our boy round St. Giles's, and I went round Paddington way, and our boy heard that it belonged to Mrs. Marſhall.

Priſoner Smith. This man is very apt to take people's lives away for the ſake of the reward, he has been confined himſelf for the ſame affair three years, and has taken us up thinking to make the ſame of us.

Court to Minſhall. Have you been confined for any thing?——Once.

For what?——For carrying ſome ſilk in a cart, two men hired me to carry it, and it was ſtolen, I was tried here for it, ſix or ſeven years ago, I was convicted and ſentenced to Newgate for three years, and the horſe and cart taken away.

Have you ever given evidence againſt any horſe ſtealers?——Yes, in the ſeſſions before laſt, one that was ſtolen from Lewiſham, and another a year and a half or two years ago.

What

What did you get in that laſt conviction?——Nothing at all, there is a ticket the proſecutor would not trouble himſelf about it.

What do you expect to get by this?—Nothing at all as I know on, I have attended here ever ſince Tueſday week, and at Hicks's-hall, and loſt my time.

What are the horſes that you boil up?——Dead horſes, and poor ones, that are paſt their labour.

You do not always wait till they die?—Sometimes we buy them alive in Smithfield, we deal with collar makers, and give them ſo much each for the meat and they have the hide back again for their own uſe.

JOHN DENMORE *ſworn.*

I am conſtable of Clerkenwell, about a quarter before twelve, on the 8th of November, I was ſent for to Minſhall's, he had ſtopped two people for ſtealing a horſe, I went in at the gate, where they where, and the horſe ſtood cloſe by and the two priſoners were in the room, one on the right ſide, I aſked them whoſe horſe it was, Dowland ſaid it is our's; I ſaid what are you partners, they ſaid yes; then the other made anſwer, and ſaid it is our horſe; I aſked them how long they had had it, they ſaid about three weeks, and gave two guineas and a half for it, as it was to run in a duſt cart, and it was too weak for their buſineſs; I put one into New Priſon and the other into Bridewell, when they were examined apart before Juſtice Blackborough, Smith ſaid he found it the over night, at St. Giles's, and the other ſaid it fell down in their cart, in Ironmonger Row, Old-ſtreet, this was the 8th of Novenber, at night, it was the 9th when they were examined before Mr. Juſtice Blackborough.

What day of the week was it?——I cannot recollect.

Court to James Marſhall. What day of the month was it on, the laſt night you ſaw the mare?—On the 8th of November.

What time of night did you tie it up?—Half after nine.

PRISONER SMITH's DEFENCE.

This priſoner and I worked together, and we had been to put on two ſacks of cinders for Mr. Ireland, we went and got our ſuppers, and coming home about ten, we ſaw this mare the corner of Holborn, in St. Giles's, upon the pavement, and two or three people round it, they ſaid it was a pity but ſomebody would take it to the Green-yard, as it was blind; accordingly we took it down Whitecroſs-ſtreet, and going along we met a man, and told him we had found a ſtrayed mare, and he ſaid here is a man that deals in ſtray horſes, take it to him, accordingly he went to this man's houſe and told him, he ſaid it belonged to one Stephen Rhodes, we ſaid we did not know whether it was a horſe or a mare; we never offered it for ſale, or aſked him a farthing for it.

PRISONER DOWLAND's DEFENCE.

After we got our ſuppers, coming home, we ſaw this horſe in Holborn, and the people ſaid the coaches would run againſt it, and ſomebody ſhould take it to the Green-yard, and we took it down to this man and he ſtopped it upon us; he took us into cuſtody.

Priſoner Smith. My maſters Richard Edwards and Thomas Smith are here, we ſerve them with aſhes.

JAMES SMITH, FERD. DOWLAND, } GUILTY, Death.

Tried by the firſt Middleſex Jury before LORD LOUGHBOROUGH.

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39. EDWARD JOHNSON, and SAMUEL WARNER, were indicted for feloniouſly ſtealing on the 28th of November, one ſilver ſoup ſpoon, value 20s. two ſilver table ſpoons, value 15s. four ſilver tea ſpoons, value 4s. one ſilver pepper caſtor, value 5s. one large damaſk table cloth, value 10s. one other table cloth, value 10s. ſix china plates, value 3s. and eighty-four

four watch movements, value 10l. the property of James Noakes, in his dwelling houſe.

EDWARD TITCOMB *ſworn.*

I was thirteen laſt Valentine's Day, I am apprentice to Mr. Noakes, at No. 34, Charter-houſe-ſquare, he is a watch movement maker; on the 28th of November, on Sunday, my maſter went to church, and nobody was left in the houſe but me, and the priſoner Warner came and rung at the Bell, at better than half after ten; then I came to the door, and he aſked me if Mr. Noakes was at home, I told him no, he aſked if any body was at home that he could ſpeak to; ſays he, is nobody at home but you? I ſaid no; then he went out, and came back again; ſays he, I will leave the meſſage with you; the parlour door was locked, I could not go in there, ſo I went up ſtairs, and he wrote on a paper, and he chucked it to me, there ſays he, can you read that, yes, ſays I, and he put his apron over my eyes, and he ſaid, Charles come up; with that I tried to get the apron from over my face, and I juſt ſaw the glimpſe of his coat, but I did not ſee him to know who he was; then they put me into the cellar, and told me if I ſpoke a word, ſo that any body could hear me, they would cut my throat for me, and while they were committing the robbery, Warner came down and aſked me where my maſter was, I told him he was gone into Biſhopſgate-ſtreet, and would be back in a quarter of an hour; I did not ſay he was gone to church; they took ſome table ſpoons and tea ſpoons, and a ſilver pepper box, and ſix china plates, and three table cloths, and ſeven dozen movements, they were in the ſhop up ſtairs, the others were in the kitchen.

Are you ſure it was Warner?——Yes, I knew by his talk it was him; I am ſure he was the perſon that came in; I know the coat of the other priſoner very well, but I do not know his face.

Mr. Knowles, Priſoner's Council. Had you ever ſeen this lad, whom you ſuppoſe to be Warner, before?——No.

You knew nothing of him?——No, he came and opened the yard door, and aſked me if I knew him, I ſaid no; he aſked me if I knew the other, I ſaid no, and he ſaid, you can get up this way; and he told me, if I told any body he would cut my throat when he ſaw me; I got out as ſoon as I could, and went and called James Ariel.

JAMES ARIEL *ſworn.*

About eleven o'clock, the little boy came to my lodgings, which were in Alderſgate-ſtreet, and ſaid there were thieves in the houſe; I ran after him, and he ſhut the ſtreet door after him, and I got in at one of the parlour windows and looked round, and the dining room had been forced, and a piece had been cut out, the back ſhop was broke open, becauſe that was always locked, I had locked it myſelf, that door was *ſtove* open, the door had been forced, and the ſtaple fallen out; by this time the boy returned with the conſtable; I aſked him if he knew any thing of that door being open, he ſaid no; the people went, and I ſtaid with the boy till Mr. Noakes came in; I ran up ſtairs into the ſhop, and I miſſed a deal box, and looking on the board, I ſaw ſome articles which I knew; I have a very perfect knowledge of all the movements; I immediately wrote them down on a piece of paper, and gave them to Mr. Noakes: I went the Wedneſday morning to Warner's lodgings with the conſtable, and there was the very deal box found; it is my maſter's property, and which I left in the ſhop, locked up, on Saturday night.

Did you hear either of the priſoners ſay any thing when they were taken up?——Yes.

Were any promiſes made to them?—Not as I know of; Warner was examined by himſelf firſt.

Mr. Knowles. I believe Warner aſked the Juſtice if his evidence would clear him?—The Juſtice ſaid he could make no promiſes; he ſaid he would give very ſatisfactory anſwers to every queſtion he aſked, and the Juſtice aſked him about the things, where they were ſold, he told immediately,

that they were ſold to one Levy, a Jew, and the movements for one guinea and a half, he had received a guinea, and was to go for the reſt: I was at the firſt examination of Johnſon, but he denied every thing.

Do you know the value of theſe movements?——They were valued at twenty pounds fourteen ſhillings.

Court. What led to any ſuſpicion againſt Warner?——Johnſon was taken up on the Tueſday evening, and Warner was well known as a companion of Johnſon's.

Nothing was found but the deal box?—No.

Mr. Knowles. You was at your maſter's houſe on Saturday night?——Yes, and I locked up the room, and laid the key on a table in the paſſage.

Whether your maſter opened the door or not, between the Saturday and the Sunday, and removed thoſe movements, you cannot tell?——No.

JAMES NOAKES *ſworn.*

I am maſter to the two laſt witneſſes; about half after ten, my wife and me went out, I took the key.

Was all ſafe when you went out?——I do not know, I did not go up ſtairs; nobody could go in, I had the key in my own room; I immediately ran up ſtairs, and ſaw the box that we uſed to keep ſome unfiniſhed work in, was taken away, and the movements gone; the value of them was twenty pounds fourteen ſhillings. The priſoner Johnſon had been with me upwards of three years, he was with me an errand boy before I bound him; I never ſaw the other boy: I ſaw the box at Warner's lodgings, and owned it immediately. The priſoner Johnſon, upon being firſt charged, boldly denied it, and again he denied it before the Magiſtrate; at laſt, in conſequence of what Warner had ſaid, that he had ſold the coffee pot, he then ſays, now you know all, I may as well tell you.

Mr. Knowles. Was this confeſſion taken down in writing?——I cannot ſay.

Had you any converſation with Warner, before this confeſſion?—No, I never ſpoke a word to him.

Priſoner Warner. I am not guilty of the fact, they told me I ſhould be ſure of being cleared, if I ſpoke the truth; I ſaid that he and I did this robbery.

Proſecutor. Mr. Poole ſaid, lad, I would have you confeſs the whole before the Juſtice, and you will find mercy in the Court.

Court to Jury. I ſhall ſum up the caſe independent of the confeſſion.

PRISONER JOHNSON'S DEFENCE.

I am quite innocent, I never was nigh the place, I had not been that way before for three weeks; when I was brought before Juſtice Blackborough, they perſuaded me to own it, ſays they, if you know any thing, ſpeak; ſays, I I am quite innocent of the robbery, I never was nigh the place.

The priſoner Warner called one more witneſs, who gave him a good character.

Priſoner Johnſon. My friends are not come.

EDWARD JOHNSON, NOT GUILTY.
SAMUEL WARNER, GUILTY, Death.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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40. The ſaid EDWARD JOHNSON and SAMUEL WARNER were again indicted for feloniouſly ſtealing, on the 15th of November laſt, one ſilver coffee pot, value 5l. two ſilver table ſpoons, value 5s. the property of James Noakes in his dwelling houſe.

Mr. Silveſter opened the indictment.

JAMES ARIEL *ſworn.*

On Monday the 15th of November, the priſoner Warner came to our houſe, either to have a ſcrew wheel changed, or to aſk for one, he ſaid, it was for one of Mr. Jackſon's

ſon's watches; he came in with his hat in his hand, I took particular notice of him, as he was dreſſed very genteel, he had on a blue coat, with yellow buttons; I aſked him the number of teeth, I remember what ſort of wheel I gave him, and he went away: the coffee-pot was not miſſed till the Saturday following, the ſpoons were miſſed before.

JAMES NOAKES *ſworn.*

We generally have coffee on Sunday morning for breakfaſt, but the coffee-pot was put in a particular part of the cloſet, where any body might go twenty times and not ſee it; we did not know what day it was gone, but by the confeſſion of one of the priſoners; Johnſon ſaid, the coffee-pot was knocked to pieces; he ſaid, I dare ſay the plate is all knocked to pieces, for I ſaw the coffee-pot was all knocked to pieces, but I can get ſome of the movements.

Priſoner Johnſon. Why ſhould he tell ſuch a falſity.

Proſecutor. What I ſaid is truth; he ſaid, he had ſold it, it weighed ſixteen ounces at four ſhillings an ounce; and he ſaid, he would knock it to pieces before his face.

—— POOLE *ſworn.*

I was preſent when the priſoner Johnſon ſaid, before the magiſtrate, that he ſaw the coffee-pot knocked to pieces, it weighed ſixteen ounces, at four ſhillings an ounce, Warner and he were both together with the plate; Mr. Levy was taken into cuſtody, we found nothing at Levy's.

—— PALMER *ſworn.*

Did you hear Johnſon ſay any thing about this matter?——I was ſent for by the Magiſtrate, and he deſired me to go to the perſon, and he granted a ſearch warrant, I heard Johnſon ſay nothing about it.

Priſoner Johnſon. I never had the coffee-pot, nor ever ſaid theſe words that were repeated.

SAMUEL JOHNSON, GUILTY Death.
EDWARD WARNER, NOT GUILTY.

Tried by the ſecond London Jury before Lord LOUGHBOROUGH.

Proſecutor. My Lord, I wiſh to recommend Warner to mercy, a relation of his will undertake to ſend him abroad.

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41. JOHN EVANS was indicted for feloniouſly ſtealing, on the 25th day of Auguſt laſt, two printed bound books, value 36s. two other books, value 45s. one other book, value 30s. two other books, value 36s. one other book, value 11s. one other book, value 4s. 6d. two other books, value 18s. three other books, value 23s. ſeven other books, value 45s. ſix other books, value 26s. two other books, value 6s. 6d. two other books, value 16s. one other book, value 2s. five other books, value 12s. ſix other books, value 18s. and ſix other books, value 32s. the property of Thomas Pitt, Eſq; in his dwelling houſe.

Mr. Manley opened the indictment, and Mr. Fielding the Caſe.

THOMAS PITT, Eſq; *ſworn.*

Examined by Mr. Manley.

I live in Paper-buildings, I took chambers there in 1782, I continued to live there before I went abroad, rather more than a twelvemonth.

What became of your chambers then?—I let them ready furniſhed to Mr. Gaſcoigne, my books were in the chambers, and locked up in caſes; Mr. Gaſcoigne was not to have acceſs to the books, I let the chambers for a twelvemonth.

With whom did you leave the keys of the book-caſe?—With the laundreſs; Mr. Gaſcoigne continued rather more than a year, when he quitted them, the chambers were delivered up to me.

ELIZABETH

ELIZABETH FENNER *ſworn.*

Examined by Mr. Fielding.

I am Mr. Pitt's ſervant's wife, I was left laundreſs of theſe chambers, Mr. Gaſcoigne gave up poſſeſſion of theſe chambers in July, he delivered up the key to me for Mr. Gaſcoigne's ſervant.

At the time theſe keys were delivered to you in what condition were the books in the book caſes?—Perfectly ſafe, and the caſes locked, I ſaw the books there.

Was the priſoner ſervant to Mr. Gaſcoigne?—Yes.

How many keys were there to theſe chambers?—Three, I went out of town to Oxford, in July the 23d or 24th, I took one key with me, the other I left at Mr. Pitt's uncle's, in Weſtminſter, and the other with Mr. Roſe's ſervant.

When you left the chambers, and were ſetting out for Oxford, were the books perfectly ſafe?——Yes, the priſoner went to Oxford with me that very day, he ſtayed till the 11th of Auguſt, it was of a Wedneſday.

How long was he abſent before?—He was invited down by my friends, on account of his civility to me, my father who is a bookſeller in Oxford, had got the priſoner to do ſome buſineſs for him in town, which buſineſs he did very punctually; I ſaw him the following Wedneſday or Thurſday, I think he ſtayed till Saturday night, he came the following Thurſday morning he never left Oxford till I came to town, when I came to town, it was the 6th of September; I had a friend came to meet me at the coach, I came to the chambers immediately, as it was my home.

Deſcribe the manner in which you found theſe chambers?—On my arrival in town, I was met by a friend as I expected, and we had a coach and came to the chambers, I found the outer door open, which alarmed me very much; I went into my room, and found my cabinet broke open, and what was in it was thrown out; I alſo found a deſk of my huſband's broke open, I went into Mr. Pitt's dining room, and there I found every book caſe broke open, I think there are ſixteen in the whole, but only fourteen are locked, two are left open for Mr. Gaſcoigne, ſome of the books were taken out of one caſe and ſome out of another, they were not all taken; I found Mr. Pitt's deſk alſo broke open, one of the windows was open, and a long cord hanging out at that window, the window looks into the Temple-garden, I did not look out to ſee the length of it.

Was the priſoner in company with you you at the time?——Yes, and the watchman whom I called up as it was dark.

Were theſe book caſes in the ſame condition when you went out of town to Oxford, as they were when Mr Pitt left it?——Yes, I never miſſed a book that I know of, I cannot ſay I know all the books, but I never miſſed any; in conſequence of this I applied to Mr. Pitt's uncle.

Court. Who had the keys of the book caſes?—I had them, I locked them up in the deſk when I went out of town, I had opened them ſeveral times myſelf to have a book to read, I always took care to lock them again perfectly ſafe; I firſt informed Mr. Pitt's uncle, I then applied to Jackſon the ſmith, the next day I ſent for him to repair ſome locks, I had ſome converſation with him.

What became of the priſoner after this evening?——I ſaw him ſeveral times, I got the watchman to ſit up that night, and the priſoner being a perſon that I thought I could rely on, I got him to ſit up with the watchman, I went to ſleep at a friend's.

Mr. Garrow, Priſoner's Council. Had the priſoner been a ſervant of Mr. Gaſcoigne's during the whole time he had theſe chambers?——No, Sir, he came in January, and continued till July, Mr. Gaſcoigne never had a regular ſervant, he hired them by the week, he never had a ſervant only in term time; he kept him from January to July, he had only one more ſervant beſides the priſoner.

Priſoner. Two I fancy Mrs. Fenner.

Mr.

Mr. Gaſcoigne hired the priſoner by the week, you during the whole time was the laundreſs?—I was.

Was it underſtood by Mr. Gaſcoigne, that you inhabited the chambers of a night?—No, I had always a lodging, I have ſlept frequently there when Mr. Gaſcoigne was out of town; I have had friends viſiting me from the country.

This occurred frequently, that you had viſitors from the country at the chambers?—Yes, when I liked.

You preferred to have your viſitors when Mr. Gaſcoigne was out?——It did ſo happen.

When he was out was his ſervant generally with him?——Not always.

How many of theſe revels may you have had?——Revels, Sir! I do not underſtand you, I do not know.

They were ſo frequent, you cannot recollect?—Not at all frequent, I was my own miſtreſs.

Did it ſuit your convenience now and then to have your viſitors ſleep in chambers?——It ſo far ſuited, when Mr. Gaſcoigne was out I have had them ſleep there.

Your keys of the book caſe were depoſited in your deſk?—Yes, that deſk was always locked; I do not know that I have left it open.

You occaſionally reſorted to Mr. Pitt's books yourſelf, did you lend them to others?——No, Sir, not to my knowledge, I do not know that I let any one perſon have a book.

Are you ſo certain, that upon your oath you can ſay, you never did?——I cannot ſay upon my oath, I may have lent them for a quarter of an hour.

There were three keys to theſe chambers, for what purpoſe was either of them left with Mr. Sadler?——I left them for ſafety, I expected nothing to happen but fire.

Was there no other reaſon for depoſiting the key with Mr. Sadler, but ſecurity?——Only his living oppoſite to the chambers.

Had you any inventory of the books——No.

When Mr. Pitt went abroad, were the books delivered to you with any account of what they were, or only the keys?——Only the keys.

What was the purpoſe of this young man's viſit to Oxford?—Sir, when I had theſe friends from the country before, his genteel behaviour induced ſome of my friends to aſk him down to the races; he was not at my father's houſe, but he was at liberty to come when he liked, his good behaviour induced my father and brother to look upon him as a friend, my father's name is Richards; I found the chambers doors open, I thought they had been broke open, and ſomebody had concealed themſelves.

Was there any thing curious in the locks of the book caſes?—No, not that I know of, common locks.

Had Mr. Sadler any particular directions to look at the chambers?—Not particularly, he had directions to Mr. Pitt.

Mr. Manley. At the time you ſlept in the chambers, they were perſons of you own ſex that ſlept there with you?——Yes.

Mr. Garrow. I do not mean to impute any thing impure to this lady; I believe, while you was at Oxford, you and the priſoner had ſome difference?——I do not know that we had any particular words.

I believe it was not unfrequent for you to have words?—Not that I know of, many friends fall out, and the more intimate they are, the more apt they are to fall out.

Only thoſe little ſquables that ariſe in common life; do you recollect now at the Lamb inn, a little miſunderſtanding there?——I remember being there by the priſoner's ſending for me, he came to Oxford privately.

Why he came in the ſtage coach, that was pretty public; you had ſome words?—I do not know that we had.

You will not ſay that you had not.

Priſoner. I believe in the latter end of

July I went out of Oxford with you?——You did.

I returned again the 11th of Auguſt?—You did.

Was not your propoſals to go to Margate, and our intentions to go to Margate?—I know nothing of your intentions.

On the 11th of Auguſt I arrived in town, on the Monday following I received a letter from you by the Oxford coach, ſignifying you had wrote a letter to me from Oxford, and directed to me at chambers, and was ſurpriſed you had no anſwer, therefore you had ſent that letter by the ſtage?——I ſent a letter, but not by the ſtage as you ſay, I ſent a letter by the poſt the next day after you ſet off, I do not recollect ſending another by the ſtage, but I believe I did.

Priſoner. On the 18th of Auguſt, which was a week I returned to Oxford, by means of the letter I received from you?—I will be upon my oath, I did not deſire him to return to Oxford.

You deſired me to ſend a letter to you between ſome leather, that I was to ſend you for ſome ſhoes, that your friends might not ſee it?——I do not recollect it, they were ſuch indifferent things, that I cannot recollect it.

Court. Is that the reaſon you do not recollect it, that it is ſo indifferent a thing?——I told him if he ſent the letters to my father, I would receive them and anſwer them, but it was not my wiſh.

Mr. Garrow. Did you give him any particular directions, with regard to the leather?——I did not, I do not know that I did.

Will you ſwear you did not?—I cannot recollect, I cannot ſwear.

Court. Did the priſoner ſend any leather down to you to make ſhoes?—Yes.

Was there any note in that?——There was a little note in it.

Priſoner. I ſent a letter to her between the leather, and I ſent to her for ſome ſhoes intimating to her that I was then at the Croſs-inn at Oxford.

Did you or not, immediately on receiving the letter, come to the Croſs-inn at Oxford?—By your deſire I did.

You then ſaid, I am greatly afraid my friends will ſee you?——No, upon my oath.

On the Saturday you and I went to the Lamb at Oxford?——I ſaw him there, we went there.

On the Saturday I reproached you with your conduct towards me, and I adviſed you to come to town?——He did not that I know of, we had words.

Mr. Garrow. The queſtion is, whether at that place he did not reproach you with ſome advice?—As to his advice I looked upon it as nothing, I do not know that he did then, I did not come to town for a fortnight after, had he adviſed me I ſhould not have taken it.

When was that?——It was on Saturday the 21ſt.

For what purpoſe did he adviſe you to come to town?—For a purpoſe I did not know, he ſtated many frivolous things.

State ſome of thoſe frivolous things?—We had words, and he upbraided me with ſomething of my conduct, I was amongſt my friends.

What did he ſay were the reaſons why you ought to come to town?——I do not know any other reaſon than being at Oxford at the time I was, he thought the inhabitants and my friends would take notice of it.

Court. He adviſed you to go, that you might be together more privately?—I did not follow his advice at all.

I obſerved an expreſſion that dropped from yourſelf a few minutes ago, which I took notice of at the time, it is more obſervable now, you ſaid he came to Oxford privately?—Nobody knew of his being there, that is what I call privately.

Priſoner. At this time I fancy I told you my reaſons why I came privately, it was through your letter you wrote to me, that I would not wiſh to come publicly, therefore I told you to come to town, if you could

not

not behave with more prudence, that it might be kept a ſecret?—Upon my oath I had done nothing in town or in country improper, you had the impudence to introduce yourſelf there.

Mr. Garrow. You told us he was invited by your friends, did not he upon the 21ſt of Auguſt explain to you his reaſon for coming to Oxford privately was this, that as your behaviour was ſuch, you ſhould not be ſeen together?—It might be his vanity perhaps.

But was that the reaſon he aſſigned?—I believe it was.

But did he ſay to you that your conduct during the laſt three weeks had made you the ſubject of obſervation together, and that therefore it was to go on, you had better come to town?—No, Sir, I mean to ſay that poſitively.

He did not aſſign it as the reaſon that it was in obedience to your directions, to ſend his letter between the leather?——To be ſure he did wiſh me to go from Oxford.

And for thoſe reaſons?—I do not know that they were.

Did not he ſtate the reaſons?——I do not know that he did.

Priſoner. To convince the Court that what I have ſaid is truth, at that time when we were at the Lamb together, you ſaid you would not come to town?—I ſaid I would come to town when it ſuited my own convenience.

Did you or did you not ſay the ſame evening after that, that you would go to town, for home to your friends you would never go more?—No, indeed I did not.

After that, did I or did I not call for pen, ink and paper, and write a note to your brother, and deliver you into his hands?—I do not remember ſuch a circumſtance.

Mr. Garrow. Did ſuch a thing paſs?——I do not know that it did, I remember well I ſaid, there is my brother paſſed the window, I ſaid there is my brother gone by, ſhall I call him in, no ſays he, I do not want him to know I am here.

Did he or did he not in fact ſay, he would have ſome converſation?——He did not.

Did he write a note to your brother? He did not.

Did not he call for pen and ink to do it?——I cannot ſwear that he did not.

Did you inform your friends he was at Oxford at that time?—No Sir, I did not.

Did you drink tea with him at the inn?——I believe I did drink one cup of tea with him.

Priſoner. When I called for pen, ink and paper, and wrote a note to your brother, and was determined to ſend to him, did you or not get off your chair, fall down upon your knees immediately and ſay, my dear Evans do not?——I will be upon my oath Sir, it is not true.

Did you ſay any thing of that ſort?——No.

Mr. Garrow. Was that the way you did ſometimes call the priſoner?—No Sir, it was not, I never was heard by any body to call him ſo.

Priſoner. Did I not take you from your knees, ſaying that if you would wiſh to ſave yourſelf from being expoſed, you muſt behave with more prudence?——It is falſe, and you know it is.

Well, here is further than that ſtill, after that did not you expreſs yourſelf thus; my dear Evans, I never ſpent ſo agreeable a time in my life, not even with Fenner, and of the two I do not know which I love beſt; I ſooner would live with you Mr. Evans?——It is falſe, as there is a God in Heaven, I never made uſe of ſuch expreſſions, I am not that kind of woman, nor never was.

Court to Priſoner. Have you preſerved any of theſe letters?——No, we came to town the 6th of September laſt; we were in town about ten days or a fortnight, and her brother's wife in Oxford hearing ſomething of our behaviour in Oxford together, which was rather ſingular, ſhe immediately came up to town on that occaſion; then they knowing I had ſome letters I had received during the times I came to town, they ſaid they would not believe that there was any intimacy between us, nothing ſhould prove it but her hand writing; I immediately produced five or ſix

letters

letters to her ſiſter in law, which ſhe ſaid was her hand writing, I had them in my pocket, and ſhe coaxed me to burn them, and ſaid, my dear Evans do burn theſe letters; I burnt them before her face.

Court. Is this true, that you ſolicited him to burn theſe letters in your preſence? ——No Sir, I never uttered a word about them, he burnt two letters in my preſence, which is all I wrote, but I never aſked him.

WILLIAM JACKSON *ſworn.*

I firſt ſaw the priſoner the latter end of May, or beginning of June; he applied to me, to know if I could make him a key to a chamber door, the key was made at my ſhop by one of my men.

Did he bring a lock with him?——He brought the lock to our ſhop, he aſked me if I could make him a key, I told him yes, if I had the lock or the key; he ſaid it was for chambers, No. 4, Pump-court, the key was left in my ſhop, I did not receive it.

When did he come again to your ſhop? ——About ſix weeks afterwards, I was in the ſhop, the priſoner came and aſked me if that key was made, he ſaid he had been in the country; he took the key, and aſked me if it would fit, I ſaid I would go with him and try it; ſays he I am in a hurry, I will try it, and he came back with ſome of the bits of the key broke; ſays he can you mend it, ſays I, I cannot, I muſt have the lock, for ſome of the bits of the key are in: I offered to go with him to take off the lock, he ſaid he could take it off himſelf; he brought the lock, and the bits of the key in the inſide were taken out, and the ſame key was mended and made to fit.

Did you offer to go back with him to put it on?——I cannot recollect, but as he had taken it off himſelf, I let him put it on himſelf.

Did you in fact offer to go back with him?——I cannot recollect.

Are you ſure this is the man?—Yes.

Did you ſee theſe chambers after they were broke open?——Yes, Sir, it might be ſome weeks afterwards, I went there to repair ſome locks, I took off the lock off the great door, it is the ſame lock the priſoner brought to me.

After this tranſaction, did you ſee the priſoner at any time?——Frequently.

Did he ever come to your ſhop?—Yes.

Did you ſee him after, when Mr. Pitt's chambers were broke open?——Yes, the priſoner came to me, and deſired I would be favourable to him at the examination, for he was ſuſpected of being the perſon that had the key made in my ſhop; he told me the family were ſo connected, it would be the ruin of himſelf and his character, and the ruin of the young woman and her family; I told him it was a ſerious affair, I did not like to do it; when they firſt came to me to look at him, I ſaid he was the man.

Did Mrs. Fenner ſend for you?—Yes, or her ſiſter.

What paſſed between you and the priſoner afterwards?——There was no great deal paſſed, he deſired me to be favourable to him on the key which he had made, he acknowledged then he had that key made; he ſaid it would be a material thing, it would injure him, he ſent for me once or twice to ſpeak to me, he ſent for me to the Bible, it was ſtill to want me to be favourable to him on the ſame occaſion.

What was the particular reaſon that he gave for it?—Concerning his connection with the laundreſs, it would ruin her family, and with ſome other woman, and it would ruin her character; Mr. Manley examined us all round, and the priſoner denied having the key made for theſe chambers, for any thing of the ſort.

Did he deny having the key made?—— Yes.

Court. What was the ſubject of that enquiry at the time he denied the key being made?—He was charged with having the key made for Mr. Pitt's chambers; Mr. Pitt's chambers had been robbed, and they wanted to find out the perſon that robbed him; he was accuſed of having this key made, but for what purpoſe I cannot tell.

Was

Was he charged with having this key made to rob the chambers?——I do not recollect any charge of that ſort being given, but he denied any thing of that ſort.

Mr. Garrow. Before this examination by Mr. Manley, had the priſoner been accuſed of the robbery?—He was ſuſpected.

And had been accuſed of it?——Not that I know.

Why was not Mr. Manley's enquiry into the cauſe of the robbery?—No doubt.

It was ſo underſtood by you and all that were preſent?——Certainly.

Then the priſoner as well as the reſt knew that was the ſubject of the examination; then I take it his anſwer was juſt as you have ſtated, that he had not had the key made for any thing of that ſort?——Mr. Manley accuſed him of having the key made, which he denied.

In what words?—Mr. Manley, when he came into the room ſaid, Evans, you are charged with having a key made to theſe chambers.

What words did the priſoner uſe?——I cannot recollect the words that he ſaid, he had not had the key made.

He ſaid I never had a key made to theſe chambers?——It might be ſo or it might not, what I put in of that ſort had no meaning.

Did not you take his anſwer to be, that he never had the key made for the purpoſe of robbing the chambers?—Yes.

You ſaid he deſired you to be favourable, what did he ſay?

Court. Tell us what he ſaid, not what you thought?

Mr. Garrow. What did the priſoner ſay to you, that induced you to ſuppoſe he wanted you to favour him?——Says he, Mr. Jackſon, this is an unfortunate affair, we are going to be examined this day, and I hope that you ill be favourable to me; when we came before Mr. Manley and Mr. Pitt——

What did he ſay more?——This is an unfortunate affair, I having a connection with this laundreſs, and ſhe being the ſervant of Mr. Pitt, if ſhe is found out, it will be the total ruin of her and the family, and it will be the ruin of my own character; he mentioned to me, that he had a connection with another woman, and that he had this key made for the purpoſe of introducing that other woman.

Mr. Garrow. You are the Temple ſmith?——Yes.

You are more frequently employed to make locks for the Temple than any body elſe?——Yes.

Does this frequently happen, that our ſervants loſing their keys, conceal it from us, and get new keys from the Temple ſmith?——They may do ſo, I do not know.

Have not you reaſon to know it, have not you known a number of inſtances of ſervants and laundreſſes coming for keys?—Ceretinly, I have received orders from laundreſſes to have keys made, it always had the approbation of the maſter.

Court. Did you always think it neceſſary to go and aſk the maſter?—By no means, I always was paid by the maſter.

Was you never paid ready money for thoſe keys that have been made?——Many a time.

Then what do you mean; when it has happened that you had an account with the maſter, it has been put in the account, but in a multitude of inſtances they have been paid for by the laundreſſes?——I am paid by the maſter.

Has it not happened to you to know, that it has been the neglect of the ſervant?——Never in my life, that never happened to me in my knowledge.

Mr. Garrow. I am afraid that, beſides the bad practice of multiplying the keys of our chambers, there is another bad practice, which is, that ſervants very often introduce ladies into the chambers?——I do not know.

When you took in the bill to Mrs. Fenner to be paid, what did ſhe ſay to you reſpecting this key that had been made by the the order of the priſoner?——Nothing that

I know of particularly, ſhe ſaid ſhe had not the money then about her.

Priſoner. Had you any converſation with Mrs. Fenner about this key?——We had ſome converſation, ſhe aſked me whether I thought he was guilty or not, but I thought he was guilty.

What did Mrs. Fenner ſay to you about this key?——I cannot ſay.

Had you any converſation with her about this key?—Yes, ſhe aſked me if I did make the key, I told her, yes, I did make it.

Priſoner. Did ſhe not tell you that ſhe was exceedingly ſorry that ſhe had mentioned any ſuch thing, that ſhe was exceedingly ſorry that ſhe had aſked you any queſtions about a key being made at all?—Yes, I believe ſhe did.

Court to Mrs. Fenner. You ſay there were three keys belonging to theſe chambers?—Yes, they were all left in my poſſeſſion when Mr. Pitt went abroad; during the time Mr. Gaſcoign had the chambers, Mr. Gaſcoign had one, I had another, and his ſervant had the third.

Were there two or more returned to you?——Two, and my own made the third.

Court. Had you ever any converſation with Jackſon, the lock-ſmith, about the key he was ſuppoſed to have made for the priſoner?——When I ſent for Jackſon, I aſked him if he had ever made a key for that door, he ſaid he could not tell, he believed he had, he would go home and ſee; he took the key and went home, and returned with the key, and ſaid there had been ſuch a key made at his ſhop; he did not give me a poſitive anſwer of the perſon, but by the deſcription, I concluded it to be the priſoner.

What did you ſay to Jackſon after that about it?——He ſaid if they had made a key, his man knew about it, and he had repaired the lock at the ſame time, I deſired him to take off the lock, which he did; when he returned, he ſaid the man would ſwear it was the lock he made the key to; Mr. Jackſon was ſent to, the time the priſoner was in the chambers, I took him and aſked him if that was the man, he ſaid he could not be ſure, and he wiſhed me to go into my room, that he might have a full view of him, and then he ſaid he could not be ſure that was the man.

Did you ever ſay you was glad this diſcovery had been made?—I ſaid ſo far as this, as Jackſon was not ſure that was the man, and as I had informed Mr. Pitt of it, I was ſorry I had made ſuch a diſcovery.

Priſoner. Whether Mr. Gaſcoign was not to leave the chambers on the 23d of June, and ſhe expected I was to leave the chambers at the ſame time?——His time was up then, I expected it, as the twelvemonth was up.

Whether in the middle of May we did not often have a few words at the chambers?——We have had frivolous words.

Court to Jackſon. You told me poſitively, that you took off the lock and took it home?——I was quite ſure, as well as my ſervants.

Are you equally ſure that the priſoner is the man you made the key for?——I am ſure he is the man I made the key for, and gave it to.

What has made you more ſure he is the man now, than when he was ſhewn you at chambers?——I knew he was the man, but when the priſoner came and deſired me to ſpeak favourably of him, I told Mr. Manly I believed he was the man, but I would not chuſe to ſwear to him; I was always ſure of the man after he came to me, and reaſoned with me, which confirmed my ſuſpicions.

RICHARD WATKINS *ſworn.*

How old are you?—Seventeen, I am a ſmith, apprentice to Mr. Jackſon.

Look at the priſoner; did you ever ſee him before?——Yes, he came to our ſhop, to bring a key, to have another key made by it.

Had he a key made?—Yes.

Are you ſure that is the man?——Yes; there was a lock brought.

Mr. Garrow. How many gentlemen's ſervants do you think have ordered keys for chambers

chambers in the Temple in the courſe of the laſt twelvemonth?——I cannot tell.

A great many?——Yes.

Do you think you could ſwear to them all?—No, nor half of them.

Have you any doubt of the man at the bar that he was the man?——No.

JOSEPH DENNIS *ſworn.*

I am a bookſeller, No. 2, Bridge-ſtreet, Black-friars, I know the priſoner by buying of him ſome books that are ſignified in the indictment, in Auguſt laſt the time the priſoner came to me, I will not take upon myſelf to ſpecify; he came in the habit, and dreſs, and appearance of a gentleman; he ſaid, he had part of his library to diſpoſe of, I deſired to know where I could ſee the books, and he deſired me to come to his chambers, No. 2, Fig-tree-court, in the Temple, I went according to his order, and ſaw the books, it was on a Saturday, which I believe you will find to be the 14th of Auguſt; I went with my man and looked at the firſt parcel, I paid him for them four guineas and a half; he had a fire in the chambers, he told me, he was a going to travel, or going into the country, and had an inclination to part with ſome law books, he called on me ſome days afterwards, I deſired him to appoint his time, he appointed a future day, I went and took my man, and paid him fourteen guineas for them, and took them away in a coach.

Can you enumerate the books of the firſt parcel?—*(the books produced)*. Daniel's Hiſtory of France, there wanted the laſt volume.

Mr. Fielding. What is the value of that ſet of books?——I ſhould ſuppoſe the value of them not perfect to be about eighteen or nineteen ſhillings, and the others I had priced in my public ſale and catalogue at half a guinea.

Mr. Garrow. You do a great deal of buſineſs, more perſons in it than yourſelf; they are all authorized to ſell?

Proſecutor. There are ſufficient marks in theſe books, that mark is of letters inſtead of figures, denoting the price of them in my own hand writing, A. for one, L. for eleven.

What is the amount of the whole loſs?—Seventy pounds.

Mr. Garrow. How lately before you let your chambers to Mr. Gaſcoigne, had you been there yourſelf?—I left England in June, 1782.

Had you been abſent from your chambers any length of time?——No, I had not, I had a catalogue of my books, I always kept a catalogue in caſe of fire; I left the keys with the laundreſs, ſhe knew the ſituation of the books of courſe.

MATTHEW SMITH *ſworn.*

I apprehended the priſoner at Mr. Gibbons's, in Eſſex-ſtreet, in the Strand; Mr. Pitt's ſervant directed me to the houſe, I found him there at eleven o'clock, he lodged in the garret, I found him in the parlour, I took him to the watch-houſe, and ſearched him, I found the key of his room, and the key of his box; I went back again, he would not tell me where they were; I found his father and mother lived in Shire-lane; then I went to his father's lodgings, and found his father there; he ſaid, he had no objection to my ſearching his room, with that I ſearched the drawers, and found theſe book, which Mr. Pitt ſays are his; I charged the priſoner with them, the priſoner ſaid, they were his own, he had had them two years.

(Theſe two books depoſed to by Mr. Pitt.)

Court. We cannot receive them that were found in his father's houſe.

Mr. Garrow. It ſhould be a low buying price of ſecond hand goods?——Then I will ſay this Jacob's Law Dictionary, 16s. Hoffman's Conveyancer, 1l. 16s. Silva or a Treatiſe on Foreſt-trees, 30s.

(The books depoſed to by the Proſecutor.)

Mr. Dennis. The firſt payment was four guineas and a half, for which I took a receipt; and the next parcel was fourteen guineas.

THOMAS

THOMAS HODGKINSON *ſworn.*

I was preſent with my maſter, the laſt witneſs; I know the priſoner again very well, I remember his applying to my maſter extraordinary well.

ABRAHAM SADLER *ſworn.*

I am ſervant to Mr. Roſe, I know Mrs. Fenner, ſhe left the key of the chambers with me, I kept it very ſafe.

Mr. Garrow. Do you recollect ſeeing the priſoner on the 25th of Auguſt?——I do not know the day he came to our houſe.

Do you recollect about what day?—It was the latter end of Auguſt.

Do you think it was as late in the month, as the 25th?——I believe it was.

Do you recollect your ſending your ſervant to Mr. Pitt's chambers, by his deſire?——Yes, to ſee if there were any letters for Mrs. Fenner, the ſervant went and came back, and brought the key back, ſhe locked the door, and ſaid there were no letters.

Do you know whether the priſoner went out of town to Oxford that day or not?—I cannot ſay.

Court. Do you know theſe chambers?——Yes, it is a ſpring lock that will open within ſide, without a key.

Priſoner. I will call my witneſſes to character. Gentlemen of the Jury; on the latter end or middle of May, Mrs. Fennell and I had many words, we uſed to cohabit together in chambers, the ſame as man and wife; ſhe told me after Mr. Gaſcoigne was to leave the chambers, ſhe would uſe me juſt as ſhe pleaſed, and lock me out, and if I could get in by any means, ſhe would give me leave; by that means I had a key made for that account, but in the room of leaving chambers, I did not leave them at all; Mr. Gaſcoigne left them the middle of July after term, he then diſcharged me, and told me he would take me again in November; I ſtaid at chambers from the 17th of July, when Mr. Gaſcoigne diſcharged me, to the 23d or 24th of July; on that day we quitted the chambers, I left them perfectly ſafe, I went out of town, I ſtaid three weeks, I came to town to go to Margate; on the Wedneſday I received a letter, on the Saturday I received another letter, on the Monday following I went down to Oxford, and ſtaid till the Saturday; we had a few words on the Monday night in the evening; on the day I fetched the key from Mr. Jackſon, I received another letter by the Oxford coach, deſiring me to come down to Oxford again, and not to come as I did before, but to come to her friends, and ſay I was going to Birmingham; when I went I called her brother up, and told her friends according to her deſire; they told me to ſtay there, I thought her conduct was rather ſingular, I adviſed her to behave otherwiſe, and treat me as a common acquaintance; we fell out a great deal, then I took the key and was determined to have no farther connections with her, I threw the key away; on the 6th of September we came to town together, we arrived about eight in the evening, and as we were going to the chamber door, ſays ſhe, Lord Mr. Evans the doors are open, ſays I, it is impoſſible; the door was open, the windows up with a rope from the top to the bottom. Gentlemen, with reſpect to the books in queſtion, I can account for: about 1779 I lived with Mr. Jones, I was ſervant to him at the time he had a commiſſion in a new raiſed regiment at Hilſey barracks, he was taken very ill and was obliged to leave the regiment, and was ill at his ready furniſhed lodgings four months, and was like to die; he gave me ten pounds in money and his furniture, and a great number of books; here are witneſſes here to prove, that they had the books in their poſſeſſion two years, here is a perſon that had that book that Mr. Pitt has ſworn to, before ever it was taken from me; I will leave it to your opinion, whether I could commit that robbery in chambers in that condition, in the height of ſummer.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority,

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Evans.

PETER CLUTTERBUCK Eſq. *ſworn.*

The priſoner lived with me till Chriſtmas laſt, he was ſober, diligent, and honeſt; I frequently entruſted him with ſums of money to go to the bankers, and never found him deficient, but perfectly honeſt; I had ſo high an opinion of him, that I would have kept him, but he did not chuſe to wear a livery.

Priſoner. Gentlemen of the Jury, my trial was appointed for laſt Thurſday was a week, Mr. Lucas and Mr. Gaſcoigne attended almoſt all laſt week, they are gone into the country, and I wrote down to Eſſex to let them know my trial was coming on to day.

Mr. Fielding. Mr. Clutterbuck's eſtimation of him is equivalent to an hundred witneſſes.

Priſoner. I have three very particular witneſſes that had theſe books in their poſſeſſion long before, that Mr. Pitt ſwore to.

Court to Priſoner. You are aware of the marks that Mr. Pitt ſpeaks from.

GUILTY, Death.

Tried by the ſecond London Jury before Mr. RECORDER.

42. GEORGE ROBINSON was indicted for feloniouſly ſtealing on the 24th of November laſt, one ſilver quart mug, value 6l. the property of Letitia Clarke in her dwelling-houſe.

LETITIA CLARKE *ſworn.*

On Wedneſday the 24th of November, a little before five in the afternoon I was coming down ſtairs, and juſt before I got down, I heard a violent breaking of glaſs, I thought a porter had been coming by; I aſked my daughter that was in the ſhop what was the matter, ſhe ſaid the glaſs was broke, and before I could get to the ſhop door there was an alarm of ſtop thief; ſeveral people came about the door, and in a few minutes ſomebody came, I cannot tell who, and ſaid they had got the man, and he is coming over preſently, the man was brought back within ſeven or eight minutes, he was brought into my ſhop; a gentleman immediately came in, and ſaid here is your mug, the mug had my own private ſhop mark upon it; the priſoner ſaid nothing, the mug ſtood in the ſhop window, the third pane high.

JAMES

JAMES OATES *ſworn.*

On Wedneſday afternoon about a quarter before five, the 24th of November, I was gathering my pots at the corner of Brook-ſtreet, I looked acroſs the way, and ſaw two men at Mrs. Clarke's window, and one of them put both his arms through the window and took out a mug, and run acroſs the way; I tried to lay hold of him, and he knocked me down, I am ſure this is the man.

SAMUEL HARPER *ſworn.*

As I was going up Holborn, about ten yards above Mrs. Clarke's door, nearly oppoſite Brook-ſtreet, I heard a ſudden craſh of glaſs, I turned about and ſaw nobody for a quarter of a minute, immediately I ſaw the priſoner croſs oppoſite Brook-ſtreet, and run as faſt as he could; I purſued him, and was cloſe to him two or three times, but he rather gained ground of me, he was not above ten yards from me any time; I thought to have caught him, he turned round the corner of Gravel-ſtreet, which is a pretty ſhort turning, I was in the middle of the ſtreet, he croſſed over it; half way in Gravel-ſtreet there is a little paſſage and a man tripped him up, and he fell in the kennel, I took him by the collar and lifted him up, and walking two or three ſteps all of a ſudden a perſon gave me this tankard into my hand, then we took him to the ſhop, that is all I know of the matter, I only know of taking him to the Compter.

JOHN BUSKET *ſworn.*

I was going down Holborn, and I ſaw the priſoner paſs me, not a minute after I heard the break of a window, and I heard the voice of ſtop thief, I ſaw the priſoner croſs with the tankard in his hand, I followed him, I never loſt ſight of him, I ſaw him drop the tankard, he is the ſame man, he dropped the tankard in Gravel-ſtreet; the perſon that picked up the tankard is not here, I ſaw it picked up, and it was given to me, and I gave it to Mr. Harper.

(The tankard depoſed to marked L. M. U.)

Priſoner. I know nothing of it; I have not a friend in the world.

GUILTY, **Death.**

He was humbly recommended to mercy by the Proſecutrix.

Tried by the ſecond London Jury before Mr. RECORDER.

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43. FRANCES, wife of GEORGE GOOSSEY, was indicted for feloniouſly ſtealing, on the 17th day of September, a pair of ſheets, value 8s. the property of Mary Barrett, widow, being in a certain lodging room, let by the ſaid Mary to her the ſaid Frances, to be uſed by her with the ſaid lodging room, againſt the ſtatute.

There being no evidence to affect the priſoner, ſhe was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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44. ABRAHAM SLATER was indicted for feloniouſly ſtealing, on the 31ſt of Auguſt laſt, four leather bridles, value 12s. the property of William Church.

John Turner found the priſoner aſleep in a neceſſary at Kenſington Gravel-pits, with theſe bridles, which were owned by the proſecutor.

Priſoner. I have nothing to ſay; I came a hundred miles off: I have been ſick ſeveral Seſſions.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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45. WILLIAMS BROOKS and BENJAMIN HILLIARD were indicted for

for feloniouſly ſtealing, on the 23d day of November laſt, one mare, price 7l. the property of Joſiah Boydell, Eſquire.

The witneſſes examined apart at the requeſt of Mr. Peatt, Priſoner's Council.

JOSIAH BOYDELL *ſworn.*

On the 24th of November laſt, I loſt a mare from Weſt-end, out of a field; I found her in Bow-ſtreet the 24th.

JOHN WEMBRIDGE *ſworn.*

I am ſervant to Mr. Boydell, I am gardiner; I miſſed the mare on the 24th of November, ſhe was taken out through a new hedge, they had pulled up the hedge on the 5th of November, to make a bonfire, I ſaw the mare again when my maſter brought her home from Bow-ſtreet.

SIMON GOLDSMITH *ſworn.*

I am a ſmith and farrier at Wembly-Green, near Harrow, the priſoner at the bar came to me on Tueſday the 23d of November, near twelve at night, in a field called New Field, belonging to Mr. William Walker, there came this man on one horſe, and another man on another horſe.

Were the two priſoners on one horſe?—I cannot ſay, I believe not.

Have you known the priſoners before?—I knew one of them, Hilliard, I was ſet to watch, becauſe ſome fowls were found killed, and ſo we watched to ſee who came for them; when the priſoner came to the gate, which is a diſtance from the place where the fowls were concealed, two of them alighted about fourſcore yards off, and the two priſoners came up where the fowls were concealed, the priſoners uncovered the fowls, and I believe they heard me, he dropped the fowls, and Hilliard met me round the rick, there was Pollard and five more with me.

Where was the mare all the time?—Tied to the gate the outſide the field, Pollard releaſed the mare from the gate, but I cannot ſay whether Hilliard or Brooks were on the mare.

Mr. Peatt. Could you, at the diſtance of eighty yards, ſee whether there were two on one horſe, at eight at night?——Yes, I I never ſaw Brooks before.

Could you ſee the ſhape, or the face of Brooks at that diſtance?——Yes, it was moon-light, I ſwear to the beſt of my knowledge theſe were the men that got off the horſe: I carried the priſonet and the mare to the Office, and ſhewed it to Mr. Boydell: it was the mare that was tied to the gate.

Mr. Peatt. Was the gate between you and the horſe?——Yes.

Were there buſhes in the gate?—No; I I ſaw the mare at the gate all the time.

Mr. Boydell. It was my mare.

JOHN POLLARD *ſworn.*

I was watching the ducks under the hay-rick.

Was it a dark night, or a light night?——A light night, I ſaw nobody come to the gate, I heard ſome horſes come along the road, I ſaw the two priſoners come towards the hay-rick.

Did they come to the place where the ducks were?——Yes.

Were the ducks alive or dead?—Dead; they began to uncover the ducks, and I apprehended them, the gate was about fifty yards off; I carried them through the gate after I apprehended them: the mare was tied to the gate, I unlooſed her.

Had it a ſaddle on?——No, I carried the mare to Bow-ſtreet.

Court. What is the value of your mare?——I gave ſeven guineas for her laſt year, ſhe was then three years old.

PRISONER HILLIARD's DEFENCE.

I had been ſeeking for work.

PRISONER BROOKS's DEFENCE.

I was along with him ſeeking for work.

The

The priſoner Brooks called four witneſſes to his character.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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46. The ſaid WILLIAM BROOKS and BENJAMIN HILLIARD were again indicted for feloniouſly ſtealing, on the 22d of November laſt, one live cock, price 18d. ſeven live hens, price 7s. one live drake, price 2s. and four live ducks, price 4s. the property of George Chandler.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RSOE.

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47. The ſaid WILLIAM BROOKS and BENJAMIN HILLIARD were again indicted for feloniouſly ſtealing, on the 22d day of November laſt, one live drake, price 2s. and two live ducks, price 2s. the property of James Hall.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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48. ANN PETRE was indicted for feloniouſly ſtealing, on the 23d of November, two linen handkerchiefs, value 5s. the property of Jacob Janet.

GUILTY.

Fined 1s.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

---

49. JOHN MAXEY and JAMES TURLEY were indicted for feloniouſly aſſaulting Rice Evans on the King's highway, on the 1ſt of December, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one linen handkerchief, value 2s. and a pair of plated buckles, value 2s. and 10s. 6d. in money, his property.

The *Proſecutor* not being able to ſwear poſitively to the priſoners, as they were out of his ſight for ten minutes, they were

BOTH ACQUITTED.

Court to Priſoners. I adviſe you to take good care how you behave in future; I am afraid you have got into a very bad way of life, take care we do not ſee you here again.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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50. WILLIAM WELLS was indicted for feloniouſly ſtealing, on the 28th day of October laſt, ſixty-ſix pounds and a half of pewter, value 8s. the property of John Hudſon.

NOT GUILTY.

Tried by the firſt London Jury before Mr. ROSE.

---

51. JAMES DAVIS was indicted for feloniouſly ſtealing, on the 28th day of October laſt; one man's cloth great coat, value 5s. one petticoat, value 10s. one gown, value 4s. one handkerchief, value 3s. one ſilk handkerchief, value 2s. two other handkerchiefs, value 2s. one pair of ſheets, value 7s. two ſhirts, value 4s. two ſhifts, value 4s. one apron, value 2s. two aprons, value 1s. 6d. two yards of white thread lace, value 4s. one yard and a half of linen cloth, value 12d. the property of William Farrington.

The priſoner was ſeen coming out of the

houſe with the things, and taken immediately.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. ROSE.

---

52. MARGARET APPLETON was indicted for feloniouſly ſtealing on the 28th of October laſt, one ſilver watch, value 40s. the property of Iſrael Tarver.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

---

53. WILLIAM NOBES was indicted for feloniouſly ſtealing, on the 2d day of November laſt, one man's great coat, value 10s. and one handkerchief, value 6d. the property of Thomas Whitby.

The *Proſecutor* ſaw the priſoner go into his counting houſe, unlock his door, and take his great coat away, he was taken immediately.

GUILTY.

To be confined twelve months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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54. EDWARD BUNDY was indicted for feloniouſly ſtealing, on the 17th of November, two pair of men's leather ſhoes, value 9s. the property of Marmaduke Storr.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

55. ROBERT HOARE was indicted for feloniouſly ſtealing, on the 19th of November laſt, one cloth coat, value 18s. and two pair of worſted ſtockings, value 2s. and two ſtocks, value 3s. the property of John Shelton.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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56. ROBERT BRADY was indicted for feloniouſly ſtealing, on the 19th of November, three men's hats, value 15s. the property of Thomas Davies, James Jones, and Edward Evans.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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57. JAMES THOMAS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Parleyman, on the 13th of November laſt, about the hour of eleven in the night, and burglariouſly ſtealing therein, eighty pounds weight of copper, value 40s. and one hempen ſack, value 1s. the property of the ſaid John.

JOHN PARLEYMAN *ſworn.*

My houſe was not broke open at all; I went out at nine and left my wife at home, I left a ſack of copper in the paſſage, within my houſe, that paſſage leads to no other houſe.

ELIZABETH PARLEYMAN *ſworn.*

I went out about eleven, to get me a pint of beer, and I met the priſoner, I knew him, he ſaid he was going to our houſe, I left the door on the latch, I am ſure I latched it; the windows were all ſafe,

ſafe, when I returned the copper was gone; I told the watchman, and he brought it back.

Two other witneſſes depoſed to ſtopping the priſoner, with the copper, which was produced, and part of it depoſed to by the Proſecutor.

The priſoner called five witneſſes to his character.

GUILTY, 39s.

Not of the burglary.

Tranſported for ſeven years.

---

58. MARY HORTON was indicted for feloniouſly ſtealing on the 19th of November laſt, nine yards of muſlin, value 40s. the property of Chriſtopher Tennant, privately in his ſhop.

The priſoner being ſuſpected, was followed and brought back with the muſlin on her.

GUILTY, 4s. 10d.

To be privately whipped, and confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

---

59. JOHN LANGFORD, otherwiſe HARRIS, and JAMES WHITE, were indicted for feloniouſly ſtealing, on the 27th of October laſt, three pair of nankeen breeches, value 10s. the property of Joſeph Robert Ireland.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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60. JANE CURFEY was indicted for feloniouſly ſtealing on the 22d day of October, one cluſter diamond ring ſet in gold, value 12l. the property of Mary Walker.

NOT GUILTY.

Tried by the firſt Middleſex Jury, before Mr. Baron HOTHAM.

---

61. AMY COLLINS was indicted for feloniouſly aſſaulting Jane Rawlins, ſpinſter, on the king's highway, on the 12th of November laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one cloth cloak, value 12d. the property of John Rawlins.

There being no other witneſs but Jane Rawlins, who was a child of ſeven years old, the priſoner was not put on her defence.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

---

62. ROBERT JONES was indicted for feloniouſly ſtealing on the 27th of October laſt, fifty four yards of ſilk ribbon, value 20s. the property of Charles Troutbeck, privately in his ſhop.

The priſoner came into the Proſecutor's ſhop, for ſome trifling things, and as ſoon as he went, the ſhopman miſſed three pieces of ribbon, he immediately purſued the priſoner, who perceiving him follow him, ran into an entry, and dropped the ribbons on the ground.

George Mecham. I took the priſoner into cuſtody.

Priſoner. I am not guilty, my mother and father and two people are at the door.

GUILTY,

Court to Priſoner. How old are you?—Thirteen.

Court.

Court to Priſoner. You have began very early to lead a diſhoneſt life, it is to be hoped this will be a warning to you, think that you may have a long life, to live and make up for what you have done.—Let him be fined ſix-pence, and diſcharged, and given to his parents.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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63. WILLIAM JACKSON was indicted for feloniouſly ſtealing on the 27th of November laſt, one large copper, value 16s. the property of John Rickars,

ANN HODGSON *ſworn.*

I live in Bear-yard, I had this copper to ſell for my neighbour, Mr. Rickards, between twelve and one, I ſaw the priſoner bring it back, I did not ſee him take it. I can ſwear to the copper.

——— JAMES *ſworn.*

I am one of the porters of Lincolns Inn, I ſtopped the priſoner, with the copper on his back.

ELIZABETH BENSON *ſwern.*

I ſaw the priſoner take the copper from under the window, I ſat at work oppoſite to Mrs. Hodgſon's, and I ran after him, as far as Lincolns-Inn, and I deſired Mr. James to ſtop him, which he did.—Nobody was with him.

(The copper depoſed to.)

Priſoner. A man employed me to carry it.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

---

64. JOHN BRIANT was indicted for feloniouſly ſtealing on the 26th day of October laſt, one Cheſhire cheeſe, value 20s. the property of Thomas Godſell.

GUILTY.

Privately whipped.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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65. MARY BUTLER widow, otherwiſe MARY wife of JOHN PERKINS, was indicted for feloniouſly ſtealing on the 2d day of September, one bed quilt, value 6s. and one waiſtcoat, value 18d. the property of George Pitkin.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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66. PAUL CLARKE was indicted for feloniouſly ſtealing on the 25th of November laſt, one table ſpoon, value 8s. the property of George Eades.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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67. EDWARD CROKER was indicted for ſtealing on the 27th of November laſt, eight live hens, value 8s. one live cock, value 12d. and one iron dung drag, value 6d. the property of William Church.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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68. DENNIS HAYES was indicted for he that on the 2d of November laſt, upon Abner Wyman, did make an aſſault, with a fe-

felonious intent his goods and monies from his perſon, and againſt his will, feloniouſly to ſteal.

This indictment being founded upon 7th G. 2d. chap. 21. and not properly drawn, the priſoner was

ACQUITTED.

Ordered to be detained.

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69. ISAAC WARREN was indicted for feloniouſly ſtealing on the 9th of November, one cloth coat, value 40s. two pair of nankeen breeches, value 6s. one pair of cotton breeches, value 6s. four jackets, value 12s. one other jacket, value 5s. two waiſtcoats, value 6s. two dimity waiſtcoats, value 3s. one ſhirt, value 5s. two odd ſtockings, value 6d. the property of Adam Kelly, in the dwelling-houſe of William Barker.

(The things were taken on the priſoner, who with another was coming from the houſe directly after they were ſtolen, they were taken out of a garret window.)

GUILTY, 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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73. CATHERINE SPEEDY and MARY GREEN were indicted for feloniouſly ſtealing, on the 20th of October laſt, one muſlin gown and apron, value 10s. one yard of muſlin, value 2s. one bed-gown, value 5s. one cradle quilt, value 5s. eight ſheets, value 40s. ſixteen yards of thread edging, value 6s. fourteen pair of ſhift ſleeves, value 14s. four aprons, value 4s. one ſhawl, value 5s. three handkerchiefs, value 5s. four yards of cotton, value 4s. ſeven yards of muſlin, value 21s. two handkerchiefs, value 4s. two yards of linen, value 2s. two cotton petticoats, value 10s. one muſlin apron, value 5s. ſome thread lace, value 5s. five yards of ribbon, value 3s. ten yards of ribbon, value 6s. a quantity of thread, value 1s. ſome pins, value 1s. the property of Alice Rudd, EDWARD GALE, and JOHN SMITH: and ELIZABETH (wife of George) CHENERY were indicted for feloniouſly receiving part of the ſaid goods, knowing them to be ſtolen.

ALICE RUDD *ſworn.*

I am executrix with Edward Gale and John Smith, executors of the effects of William Saunders.

Mr. Garrow, Priſoner's Council. Have you a probate of the will?——We have a copy of it.

Mr. Garrow. That will not do.

Mr. Saunders has been dead long ſince?——Yes, his wife ſurvived him about nine years, and continued in poſſeſſion of the effects.

It was upon her death, theſe were ſuppoſed to be ſtolen?—Yes.

Court. Who had the poſſeſſion of the goods from the death of William Saunders, to the death of his wife?——In poſſeſſion of the executor, ſhe lived with Mrs. Rudd, her mother, Mrs. Saunders left no will.

Court. They cannot ſupport this indictment.

ALL THREE ACQUITTED.

Ordered to be detained.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLIS.

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71. The ſaid three priſoners were again indicted (on the tenth day of this Seſſion) for the ſame offence, only laying it to be the property of Alice Rudd.

The Court being of opinion that Mrs. Rudd, who was one of the executors of Mr. Saunders, long ſince deceaſed, the huſband of Mrs. Saunders, whoſe property the things were alledged to be, having no

letters of adminiſtration to Mr. Saunders, had no property in the things, and the priſoners were a ſecond time

ALL THREE ACQUITTED.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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72. SAMUEL PICKERING was indicted for feloniouſly ſtealing, on the 28th day of September laſt; five pots, containing twenty five pounds weight of gold ſize, value 3l. the property of Edward Turner: And RICHARD WINTER was indicted for feloniouſly receiving the ſame knowing it to be ſtolen.

There being no evidence but the confeſſion of the Priſoner Pickering, and of one Claridge an accomplice, and that confeſſion obtained under promiſes of favour, the priſoners were

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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73. THOMAS BROWN was indict- for feloniouſly returning from tranſportation, and being found at large on the 15th of November laſt, without any lawful cauſe.

JOHN FLETCHER *ſworn.*

I apprehended the priſoner, he made no reſiſtance, he acknowledged he was the perſon.

The Copy of his Conviction read, and examined by the Court.

JOHN OWEN *ſworn.*

I ſaw the priſoner tried and convicted.

Moſes Levy. I apprehended him alſo.

Priſoner. I ſhould be ſorry to put you to trouble; I am the perſon, but by force and arms, I was obliged to come away, I have never been on ſhore for a fortnight, I have been to Greenland, I was going to India.

Fletcher. I made enquiry, and was informed he had been to Greenland, and was going to India.

Priſoner. The ſhip I was going in was obliged to be at the Downs, the 8th of this month.

NOT GUILTY.

Court to Priſoner. You ſee the Jury have been inclined to hope, that you will lead a good life hereafter.

Priſoner. I will be out of the kingdom in forty-eight hours.

Court. I hope you will, I wiſh you may lead a good life for the future.

Priſoner. I was going on board the Winter, Captain Snow.

Mr. Alderman Peckham. Captain Snow is detained now, he is at Woolwhich.

Court. Then you had better go there immediately.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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74. JOHN CASHON was indicted for feloniouſly aſſaulting Joſeph Norris, on the King's highway on the 9th of November laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, three men's linen ſhirts, value 3s. and one child's ſhirt, value 6d. one cap, value 4d. and one apron, value 3d. the property of Edmund Netterville.

JOSEPH NORRIS *ſworn.*

I live at Mr. Bailey's, a faſhmaker, in Bunhill-row, I am an apprentice, my mother is a waſherwoman, ſhe ſent me for ſome linen, and on my return I called at Mr. Netterville's for another bundle of linen; I did not ſee what was in the bundle then, it was tied in a white apron, and as I was going up White-croſs-ſtreet, between eight and nine at night (the ſtreet has a many butchers in it and lamps, ſo that it is well lighted) a perſon behind me ſnatched this bundle from under my arm, I immediately called out ſtop thief, and turned round with intent to purſue the perſon

perſon that had robbed me, and having the preſence of mind, *as God put it into my head*, to put the other bundle into Mr. Tyler's ſhop, a butcher, I ran round Foſter-buildings, one end comes into White-croſs-ſtreet, and at the top of theſe Foſter-buildings I met the priſoner, with the property under his arm, this might be between three and eight minutes; I do not think it could be four minutes, when the man that ſnatched the bundle ran down the alley, I had a ſight of his back, and of a bundle under his arm; as far as I can apprehend, it was the priſoner, but I cannot be ſure; I caught him in my arms, and he laid down the bundle, and ſaid, damn your eyes what do you want with me; I have ſeen the priſoner ſeveral times before, he ſtruck me on the breaſt, and I threw him down; he knocked me down, we both roſe, and I knocked him down, and he threw me down upon him; a perſon came and aſſiſted me, and took up the bundle and gave it me, this gentleman is the man that lent me a hand to take him, and *by God's providence, and his aſſiſtance*, I was able to take him, and he was committed.

Court. Was the thing pulled from you by violence or not?——It muſt be by violence.

Did you guard it very tight?—I did not guard it very tight, I might hold it ſlack.

GEORGE GEARY *ſworn.*

I live in Foſter-buildings, I heard the cry of ſtop thief, and ſaw the priſoner and this witneſs ſtruggling at the top of the buildings, it is a court with a thoroughfare, and there was a bundle laid down juſt by; there were a good many people juſt by, I immediately ſecured him, he ſaid nothing then, but before the Juſtice he ſaid, it was thrown into his arms, the ſecond time he went before the Magiſtrate, he ſaid, he kicked it before him.

THOMAS HYAM *ſworn.*

Confirmed the evidence of Joſeph Norris.

The three ſhirts depoſed to by Mr. Netterville.

PRISONER's DEFENCE.

A man run by me, and I ſaw a white thing lay, and I picked up the bundle, and the proſecutor met me and hit me with a ſtick, and ſaid I had robbed him; the proſecutor was going to ſwear the robbery to my father, after he had ſworn it to me; *I can fetch witneſſes if you will let me.*

JOSEPH BAILEY *ſworn.*

When the priſoner was taken up for the robbery, his father was taken up for a reſcue or aſſault, and the proſecutor ſwore the robbery againſt the father at the ſame time; I called out young man take care, ſomebody aſked him, and he ſaid the father was the man.

Aſked him what?——I do not recollect what; he twice ſaid, the father was the man that robbed him, the priſoner has worked for me, he never cheated me.

Proſecutor. I charged the father with ſtriking me, I did not charge the father with the robbery, I miſtook the Magiſtrate's queſtion the firſt time; I never ſaid, the father was the man that robbed me.

The Priſoner called four other witneſſes who gave him a good character.

JAMES NORRIS the Proſecutor's father *ſworn.*

Who was preſent at the examination of the father, and he confirmed the proſecutor's evidence, about his not charging the priſoner's father with the robbery.

Hyam. I was preſent at the examination of the father, the proſecutor anſwered yes, by miſtake, he recalled his words, I am ſure of this fact.

Court. Did he twice repeat that the father was the man that robbed him?—But once, I did not hear him, it was recalled directly, a perſon ſpoke to him.

GUILTY.

Of ſtealing, but not violently from the perſon.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

75. WILLIAM WILLS was indicted for feloniouſly ſtealing, on the 27th of November, one cloth great coat, value 40s. the property of Robert Buchanan.

John Wood, who had left his cart about two minutes, on his return ſaw the priſoner jump out of the cart, and run away with two coats, he purſued him, but loſt ſight of him about two ſeconds, and he was ſtopped by James Grace; Wood ſaw him drop the coats.

James Grace confirmed the above account.

(The coats depoſed to.)

GUILTY.

To be whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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76. MARY WOOD was indicted for feloniouſly ſtealing, on the 22d of November laſt, two table ſpoons, value 30s. the property of William Davis.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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77. SAMUEL LANE was indicted for feloniouſly ſtealing, on the 12th of November laſt, one pint pewter pot, value 6d. the property of Robert Cocks Trapp.

GUILTY.

Fined 1s.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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78. ELIZABETH BROWN was indicted for ſtealing, on the 27th of October, two children's linen ſhirts, value 1s. the property of Hannah Jacobs.

GUILTY.

Fined 10d.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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79. The ſaid ELIZABETH BROWN was again indicted for ſtealing, on the 16th of November laſt, one rug, value 5s. one ſhift, value 18d. two frocks, value 4s. one ſkirt, value 3s. one pair of ſheets, value 4s. the property of Moſes Shaw.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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80. MARY BRIGHAM was indicted for ſtealing, on the 6th of November laſt, two ingots of pewter, value 30s. and thirty four pewter plates, value 17s. the property of John Townſend and Thomas Compton.

GUILTY.

To be privately whipped.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

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81. WILLIAM HALL was indicted for feloniouſly ſtealing, on the 21ſt of November laſt, one pound weight of ſponge, value 16s. one other pound weight of ſponge, value 5s. twelve ſkins of leather, called bazils, value 10s. eighteen ſilk laſhes, value 2s. 9d. and twelve coach kirb hooks, value 6d. the property of Francis Leeſon.

Thomas Peckham ſaw a man taking this parcel out of the boot of the Camberwell ſtage, he purſued him directly, he ran up a paſſage and ſaw him drop the parcel, but was not certain to the priſoner.

James Barnwell ſtopped the priſoner in the paſſage, he was running, and was the only

only man that came up the paſſage at that time; there was nothing on him then; the court is a thoroughfare.

Priſoner. I went to the Croſs Keys to enquire for the Chatham ſtage, and I croſſed the way, and there was a cry of ſtop thief, and a man ſtopped me; I am a ſhoemaker, I worked with one Mr. Watts, in Oyſter-ſtreet, Portſmouth, I had been come to town but a fortnight, trade is dead there, and I heard of a maſter at Chatham, one Mr. Trott.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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82. WILLIAM SMITH was indicted for ſtealing, on the 13th of November, one coachman's cloth great coat, value 10s. the property of Joſhua Howard.

Edward Emery ſaw the priſoner take the coat off the box of the proſecutor's coach in St. Paul's Church-yard, and he went down Paul's-chain; he purſued him with another perſon, but did not find him, and the proſecutor afterwards found the priſoner at a public houſe in Eaſt-Smithfield, by the direction of Emery, who went with him.

Priſoner. I know nothing of the coat, it was not found upon me.

Emery. I am ſure the priſoner was the man, and no other, I have known him two or three years back.

Priſoner. Emery only ſculks about the place, he is as likely to take the coat as me.

Court to Proſecutor. Have you known Emery any time?——About four or five months, the lad bears a very honeſt character at the watering houſe.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. Juſtice WILLES.

83. JOHN GOODWIN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Peter Marſhall, about the hour of eleven in the night on the 28th day of October laſt, with intent his goods, chattles, and monies in the ſaid dwelling houſe then being, burglariouſly and feloniouſly to ſteal.

The *Proſecutor* faſtened his houſe up, and went up to bed at eleven, and in about a quarter of an hour he heard a terrible ſmaſh in the waſh-houſe, and he, with one John Evans, ran and unbolted the door of the waſh-houſe, and found the priſoner had dropped through the ſky-light; a ſquare of glaſs was broke in a one pair of ſtairs window, there was blood on the glaſs, and his hands were bloody; the priſoner confeſſed at the watch-houſe, that being ſhort of linen, and ſeeing ſome ſhirts hang up in the two pair of ſtairs, he was going to get them, and he ſuppoſed he ſhould ſuffer for it; he did not ſay which way he intended to get them, but the proſecutor ſaid, it appeared to him, that by ſtruggling to undo the ſhutter, his foot gave way, as the ſky-light is directly under the window.

Court. Then he had actually fallen through the ſky-light?——It appeared ſo to me, nobody ſaw him till he was through the ſky-light.

Court. Gentlemen of the Jury, it ſeems unneceſſary to go any further, he certainly was attempting to commit the crime, but he failed.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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84. JAMES ELLISON was indicted for feloniouſly ſtealing, on the 9th of November laſt, four guineas, value 4l. 4s. and 5s. in monies numbered, the property of James Loop.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. Juſtice WILLES.

85. BENJAMIN INGRAHAM was indicted for feloniously ſtealing, on the 8th day of November laſt, one linen handkerchief, value 1s. the property of Timothy Brown.

The *Proſecutor* ſaw the priſoner take his handkerchief, and ſeized him directly.

GUILTY, 10d.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. Juſtice WILLES.

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86. LAIR EZRAL was indicted for feloniouſly ſtealing, on the 29th of November, ſix yards of gauze, value 4s. the property of Thomas Bevan.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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87. MICHAEL SULLIVAN was indicted for feloniouſly ſtealing, on the 25th of October laſt, one white cambrick handkerchief, value 2s. the property of John Dilks.

William Hall ſaw the priſoner pick the proſecutor's pocket, and took him directly.

GUILTY.

Tranſported for fourteen years.

Tried by the ſecond London Jury before Mr. RECORDER.

OPINION of the JUDGES,

On the Caſe of Humphy Moore, who was tried in April Seſſions laſt, delivered by Mr. Juſtice WILLES.

88. HUMPHRY MOORE, you was indicted laſt April ſeſſions, for feloniouſly ſtealing twenty guineas and four doubloons, value 14l. 8s. the property of John Field, in the dwelling houſe of John Brown, it appeared in evidence, that a perſon unknown joined company with the proſecutor John Field, in the ſtreet, and ſoon after picked up a purſe, and perſuaded the proſecutor to go to a publick houſe with him, telling him he was intitled to half; the perſon took out a receipt, and whilſt they were looking at it, you came into the room, and aſked if there was any thing extraordinary, and being told by the unknown perſon, you ſaid, which of you picked it up? and the proſecutor ſaid he had forty or fifty pounds, at his lodgings at Chelſea; upon which you ſaid we will call a coach and go there, and you all three went to Chelſea, and drank a ſhilling's worth of punch, that they found you afterwards at the Cheſhire-cheeſe, and in your preſence, the proſecutor put down the money twenty guineas, and four doubloons, which the perſon unknown took up and carried away, leaving the ring with the proſecutor; and appointed to meet him the next day, to have the money returned, and one hundred pounds for his ſhare of the ring; that the perſon unknown, and you went away together, and the proſecutor went to the place of appointment, but neither you nor the perſon unknown

came;

came; the ring was proved to be of very ſmall value, and the jury were of opinion you was confederating with the perſon unknown, for the purpoſe of obtaining money, and ſharing the value of the ring, and therefore, that you did aid and aſſiſt the perſon unknown, to obtain the money of the proſecutor John Field; and the jury found you guilty—Subject to the opinion of the Court.

This matter was ſubmitted to the opinion of all the Judges the firſt day of laſt Michaelmas term, except Lord Mansfield, who was abſent, and they all agreed in the diſtinction between the parting with the poſſeſſion, and the parting with the property; that in the firſt caſe it was felony, and in the laſt caſe it was not; nine of the Judges were of opinion, that in this caſe poſſeſſion only was parted with, it being only a pledge, till the ſuppoſed value of the ring was delivered; two of the Judges thought that the doubloons were the ſame as money, and were of opinion it was a loan, and was a parting with the property, but nine of the Judges were of opinion it was felony; and the Judges could not diſtinguiſh this from the caſe of the King and Patch, that caſe was this; the priſoner was indicted for ſtealing a watch, and ſome money, the priſoner picked up a ring and purſe in the ſtreet, the priſoner pretending he found it, offered to divide the money with the proſecutor, and opening the purſe, there was a ring, and bill of parcels, ſtating the ring to be a diamond one, of one hundred and forty ſeven pounds value, and a receipt for that ſum different modes were propoſed for the diſtribution, at laſt the priſoner aſked the proſecutor if he would give him his money and watch, and take the ring; two other men that were in company took up the watch and money, and the priſoner got the proſecutor out of the room under pretence he had ſomething particular to ſay to him, and the two men ran away with the watch and money; the perſon was uneaſy, and the priſoner ſaid he knew the two men: The priſoner was apprehended, and the ring was found to be of the value of ten ſhillings only: It was objected by the counſel, for the priſoner that was not a felony, but Mr. Juſtice Gould, Mr. Baron Perryn, and Mr. Juſtice Buller, held it ſhould be left to the Jury to ſay, what was the intention of the priſoner, to get the money and watch, for if the whole was a ſcheme of the three men, it was felony, according to the caſe of the King and Peers, where a horſe was hired for the day, by two men, who went directly and ſold him: and Mr. Juſtice Gould left it to the Jury, whether the priſoner, and the other two men were not all in concert together; upon the whole therefore, of your caſe the majority of the Judges are of opinion that you are guilty of the felony, and not merely of a fraud, and that judgment muſt be paſſed upon you accordingly.

Mr. Recorder. Humphry Moore, when upon your trial I reſerved this caſe, it was not from any doubt of your guilt, but doubting whether your guilt was of that kind to ſupport the indictment, that doubt has been ſubmitted to the opinion of all the Judges, and a great majority of them have concurred in opinion, that the indictment was ſufficiently ſupported, by the circumſtances given in evidence againſt you; I never entertained any doubt, that the offence of which you was clearly proved to be guilty, was deſerving of as high a puniſhment, as any felony committed under ſimilar circumſtances, if therefore no doubt in point of law had occured, I ſhould have paſſed ſentence upon you, to be tranſported for ſeven years; no reaſon occurs now, for changing that opinion of your offence, but as the neceſſity of laying your caſe before the Judges, has occaſioned ſome delay, and a conſiderable time has elapſed ſince your conviction, I ſhall take care the term of your tranſportation ſhall be computed from the time of your conviction, therefore the ſentence of the court is, that you Humphry Moore, be tranſported beyond the ſeas, for the term of ſeven years, from the time of your conviction, to ſuch place or places, as his Majeſty by the advice of his privy council ſhall think fit to direct or appoint.

89. EDWARD HOUSEHAM was indicted for feloniously ſtealing on the 13th of November laſt, five pair of leather ſhoes, value 20s. two pair of ſtuff ſhoes, value 5s. the property of James Deabwell, privately in his ſhop.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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90. THOMAS WALES was indicted for feloniouſly ſtealing on the 21ſt of November laſt, one live pig, value 10s. the property of Joſeph Wood.

The priſoner was ſtopped by the watchman, with the pig in a ſack, and carried to the watch-houſe, and the proſecutor came and owned it.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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91. ELIZABETH SMITH, otherwiſe CATHERINE CLARKE, widow, was indicted for feloniouſly ſtealing on the 5th of November laſt, ſix linen ſhirts, value 30s. the property of Henry Aſton.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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62. JAMES LATHAM was indicted for feloniouſly ſtealing on the 21ſt of November laſt, one linen ſheet, value 5s. the property of Thomas Palmer.

GUILTY, 10d.

Privately whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

93. JAMES LEE was indicted for feloniouſly ſtealing, on the 13th of November laſt, twenty four pounds weight of lead, value 3s. belonging to Thomas Hubbart, Eſq; fixed to a certain building of the ſaid Thomas, againſt the ſtatute.

GUILTY, 10d.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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94. JOHN WILLIAMS was indicted, for that he, on the 9th of November laſt, thirty pounds weight of lead, value 5s. belonging to Samuel Buſh, fixed to a certain building of the ſaid Samuel, did rip, cut, and break, with intent to ſteal.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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95. JOHN FULMAN was indicted for feloniouſly ſtealing on the 26th of October laſt, one live ſow, price 20s. the property of Samuel Price.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury, before Mr. RECORDER.

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96. MARGARET MURPHY was indicted for feloniouſly ſtealing on the 28th of November laſt, one guinea, value 1l. 1s. half a guinea, value 10s. 6d. and two ſhillings in monies numbered, the property of Dennis Hurley.

DENNIS HURLEY *ſworn.*

I came athwart the priſoner, and ſhe took me to a houſe to lodge, I being a ſtranger, and the priſoner aſked me to let her bide, and I ſaid yes, if you are honeſt; it is a rule

rule with me to take off my ſhirt at night, and I tied my money in my ſhirt, very ſtrongly with a ſtring, *and when I fell aſleep, I heard the money rattling*, and I waked and I got up out of my ſleep, and ſhe *was after dreſſing herſelf*, ſhe ſaid ſhe was going for ſome purl for me, but my landlord would not let her out, till he knew whether I had my money, for he came and brought a light, but I could find only ſeven ſhillings and ſix-pence, and ſhe gave me *two ſhillings-worth of money* before the light came up, I got my ſhirt when the money was out, the priſoner was taken into cuſtody, I never got any of money; I am cold and hungry, and dry, I cannot earn a penny to ſupport myſelf, I am the father of five young children, and I ſhould think myſelf happy, if I could get to my own country, *I would go there to-morrow before to day, if I could*; I was obliged to walk the ſtreets two nights laſt week.

Court. You ſhould not have gone to this idle woman?——Oh lord! Sir, I was a ſtranger, I did not know but ſhe was an honeſt woman.

Why was ſhe not ſearched?—I do not know, *I am a very bad hand in law.*

Charles Young the conſtable, and *Thomas Palmer* the landlord, confirmed the above account.

GUILTY.

Privately whipped and confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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97. WILLIAM GILBERT was indicted for feloniouſly ſtealing on the 13th of November laſt, thirty pair of womens leather gloves, value 36s. and ſeventy-two yards of ſilk ribbon, value 40s. the property of Hannah Perry.

The *Proſecutrix*, who is a millener, in Bond-ſtreet, ſent the things by a waggon, to Scrivenham.

ANDREW M'MILLAN *ſworn.*

I keep the Barley Mow, on Hanwell Heath, about half paſt ſeven on Sunday morning, the 14th of November, the priſoner came in and called for a pint of beer, and ſaid he had found ſomething, between the Old Hats and London, he produced a piece of ribbon out of his pocket, about a dozen or fourteen yards, my maid offered him eighteen pence for it, but I ſaid it was worth more, my wife gave him four ſhillings for it, and he ſaid he would ſpend a ſhilling for the good of the company, and had two glaſſes of gin, in the mean time this parcel lay on the kitchen dreſſer, badly wrapped up, I went and opened it, and found it contained ladies gloves, and ſeveral pieces of linen, and one pound of Hyſon tea, then I ſent for the headborough, and took him into cuſtody, then he ſaid he had them from his ſiſter, who lived in Spital-fields, who kept a glovers ſhop, and told ſeveral different ſtories.

(The things depoſed to.)

PRISONER's DEFENCE,

I picked up the bundle on this ſide Brentford.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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98. WILLIAM HORTON was indicted for feloniouſly ſtealing on the 26th of October laſt, one wooden till, value 6d. and two ſhillings in monies numbered, the property of William Pearſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

99. HANNAH TROTTER was indicted for feloniously stealing on the 28th day of October last, two pieces of lawn, containing eight yards, value 15s. the property of Robert Atkinson.

GUILTY.

To be privately whipped, and confined three months in Newgate.

Tried by the second London Jury before Mr. RECORDER.

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100. EDWARD HUMPHREYS was indicted for feloniously stealing, on the 8th of November last, one cloth great coat, value 30s. one pair of leather boots, value 10s. the property of Henry Martin Bird, Esq.

The prisoner was stopped by *Nathan Nathans*, with the great coat and boots; and *Sarah Biggs* deposed, on the 8th of November she let the prisoner into her master's house, as a dustman, but did not miss the things till they were brought back.

(The things deposed to.)

PRISONER's DEFENCE.

A gentleman asked me to carry them, he had a sack on his head.

The Prisoner called three witnesses, who gave him a good character.

GUILTY.

Court to Prisoner. This is a second instance that has occurred this Sessions, of dustmen robbing houses; it is an offence particularly dangerous, because the credulity of servants is imposed upon by those that come under that pretence, they come into the house under a trust; I think it therefore necessary, for example, to pronounce sentence upon you before you quit the bar, in the hearing of those who have heard the trial, and that sentence shall be as severe as the law admits in such a case; which is, that you be

Transported for seven years.

101. GEORGE FRANCISCO was indicted for feloniously stealing, on the 6th day of November last, three linen shirts, value 3s. one pair of stockings, value 6d. and four guineas, value 4l. 4s. the property of Alexander Andrews.

The *Prosecutor* suffered the prisoner to sleep in his shop for several days; he found one of the shirts upon him, and he confessed to Samuel Greatrix, that he had taken four guineas of the prosecutor's.

(The shirt deposed to.)

PRISONER's DEFENCE.

I have been three years in a French prison, my Captain's name is Collins, I received prize money at the India house.

GUILTY.

Transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

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102. JAMES BROTHERTON was indicted for feloniously stealing on the 6th of December, a wooden firkin, value 4d. and fifty six pounds weight of butter, value 30s. the property of William Field.

The prisoner was stoped with a firkin of butter belonging to the prosecutor, by the *Watchman*, who asked him where he was going with it, he said any where, and chucked it against him, and struck him; the prosecutor's warehouse was broke open at the same time.

PRISONER's DEFENCE.

A man asked me to carry it for a shilling.

The prisoner called three witnesses to his character.

GUILTY.

To be fined 1s. *and imprisoned one month in Newgate.*

Tried by the second London Jury before Mr. Justice NARES.

103. ED

103. EDWARD BRETT was indicted for feloniously ſtealing, on the 26th day of November laſt, one linen handkerchief, value 10d. the property of Emmerſon Tidſly.

The *Proſecutor* caught the priſoner in the fact, with his handkerchief in his hand.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. Juſtice NARES.

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104. ISRAEL SILCOCK was indicted for feloniouſly ſtealing, on the 24th day of October laſt, one woollen waiſtcoat, value 4s. one linen neckcloth, value 1s. the property of Richard Hatt.

The *Proſecutor* employed the priſoner to help him in his maſter's ſtable, and whilſt he was gone to dinner, left him in the ſtable, and when he returned, the priſoner was gone; the priſoner was taken in the Minories by one of the patrol, and in his pocket was found a duplicate for a neckcloth.

John Morratt, the pawnbroker, ſaid the priſoner pawned a ſhirt, handkerchief, and neckcloth, for three ſhillings.

(The neckcloth depoſed to.)

——— *Conway*, a hackney coachman, proved driving the priſoner this day from Piccadilly to the Minories, and that he had a bundle with him.

PRISONER's DEFENCE.

I changed a coat and waiſtcoat with a Jew, and bought two neckcloths and handkerchiefs; the runners ſaid the proſecutor ſaid, he would get double the value of his clothes.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

105. MARGARET ALLEN was indicted for feloniouſly ſtealing, on the 30th of November laſt, ſix cotton handkerchiefs, value 15s. the property of George Hooper.

GUILTY.

To be privately whipped.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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106. JOHN GRETTEN was indicted for feloniouſly ſtealing, on the 23d of September laſt, one woollen jacket, value 3s. one velveret waiſtcoat, value 3s. one pair of fuſtian breeches, value 3s. one pair of cotton ſtockings, value 12d. one handkerchief, value 12d. one pair of ſilver buckles, value 20s. one pair of ſilver knee buckles, value 4s. one pair of ſilver ſleeve buttons, value 12d. one ſilk purſe, value 12d. and 3s. in monies numbered, the property of Bartholomew Williamſon.

BARTHOLOMEW WILLIAMSON *ſworn.*

I live in Wapping, I did live there the 23d of September laſt, I am a ſailor, the priſoner told me he was a countryman of mine, and he deſired me to come to his lodgings with him, and I did ſo, I went with him to Darkhouſe-lane, I ſuppoſe it was between ten and eleven at night, it was not quite dark, I was *a little groggy*, but I was as ſenſible as I am now; I never ſaw the priſoner before, I found him in the public houſe, I was with him about an hour before we went out, we had two pots of ale, I went to the priſoner's lodgings, we went to bed together; in the morning, the priſoner got up about half paſt five, and put on my clothes and things while I was in a dead ſound ſleep; I awoke at ſeven, and he went out at half paſt five, I miſſed the things mentioned in the indictment, and my ſleeve buttons were in my ſleeves when I went to bed, but they were taken out; I ſaw the priſoner the next day on Tower-hill, at a public houſe, but I cannot tell the ſign, I knew him again directly; my landlord took him

him up, his name is Palethorp; I asked the priſoner how he came to take my things, he had my handkerchief round his neck, and my waiſtcoat on, and the ſilver ſhoe and knee buckles in his pocket, and the ſilver buttons in his ſhirt; I had worn the waiſtcoat five weeks, I particularly know it; the handkerchief had no mark, but I know it to be mine; the buttons had no mark, I have had them about four weeks; my name was on the buckles, I am ſure they are mine: the priſoner denied the fact, and ſaid it was a lie; he did not deny taking me home with him.

Priſoner. I ſhould be glad to know whether I took him to Darkhouſe-lane, or whether he took me there?—I am ſure he took me, he asked me to go with him, and would not leave me.

WILLIAM PALETHORP *ſworn.*

I live at No. 24, in Wapping-ſtreet, I lived there in September laſt; the proſecutor lodged with me at the time of the robbery, he is a ſeafaring man, he had lodged with me about five weeks.

Court. How had he conducted himſelf during that time?—Very ſober and ſteady, the proſecutor went out of my houſe between ſeven and eight at night, and not coming home all night, I was very uneaſy about him, it was on a Thurſday night, I am ſure it was in the month of September, he never ſlept from my houſe only one night before; in the morning the proſecutor came home, he had borrowed an old jacket and trowſers, and told me he had been robbed, I had never ſeen him in that jacket and trowſers before, he told me a perſon had ſcraped acquaintance with him, and ſaid he was a country man, and inſiſted on going to get ſome ſupper and ſleep with him that night; and that he took him to the ſign of the Dark-houſe, in Dark-houſe lane, and I went with the proſecutor there about half paſt eight, the proſecutor came home about a quarter before eight, and I could find none of the proſecutor's things; but ſoon after a woman came and gave information of the priſoner, and I went upon Tower-hill and took the priſoner; I went paſt him two or three times before I took him, and I obſerved the proſecutor's waiſtcoat and handkerchief upon him, it was a handkerchief of the ſame pattern.

Did you on the appearance of theſe things, immediately believe them to be the proſecutor's?——I did, I ſecured the priſoner, and took him to the publick-houſe where the proſecutor was, I think it is the ſign of the old King's-arms; the proſecutor immediately challenged the priſoner, and told him he had his handkerchief and waiſtcoat, and his ſleeve buttons, he had his ſhirt ſleeves over his hands, he did not challenge any thing elſe at that time; the priſoner ſaid they were none of his, he knew nothing at all about it; I aſked the priſoner if he had not got a ſilk purſe about him, and he aſked me what buſineſs I had with any thing belonging to him; I ſaid I believe you have one; he aſked me if there was any particular mark upon it, I told him there were two ſteel rings upon it, I told him there were ſome ſtitches which I had obſerved before when the purſe was in the hands of the proſecutor, and the priſoner pulled out the purſe in a hurry, and ſaid where are the ſtitches? and I ſhewed him that very moment; I ſaid this is the purſe belonging to the proſecutor; nothing elſe paſſed, but I took him to the Juſtice's, and I gave the purſe to the priſoner after I had ſhewn him the ſtitches.

Priſoner. Whether I reſigned myſelf willingly or no?——He did, after I ſaid he muſt go with me; he ſaid he would go with me any where, he made no reſiſtance.

Priſoner. Did the proſecutor buy that purſe?—No, he did not, my wife gave the proſecutor that purſe, that made me ſo well acquainted with it.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

ERRATA.—In No. I. Part V. p. 100, l. 23, trial of Tabbs and others, inſtead of "Peter Aſhmore ſworn, I have the honor of a place under Lord Mansfield" read "——— Jordan ſworn, I have the honor" &c. and then Peter Aſhmore as another witneſs to character.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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MDCCLXXXV.

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Gretten.

PETER MAYNE *ſworn.*

I am an officer belonging to Eaſt Smithfield, the priſoner was brought to me by the laſt witneſs the day after the robbery, and I ſearched him, and found this purſe in his waiſtcoat pocket.

(The purſe and waiſtcoat produced and depoſed to.)

I took this handkerchief off his neck, and this waiſtcoat; I pulled theſe buckles out of his pocket and buttons out of his ſleeves.

(The buckles and buttons depoſed to, the proſecutor's name being in the ſhoe buckles.)

PRISONER's DEFENCE.

When I firſt came on ſhore I came to this houſe, and we were drinking together, and after we had done I ſaid I wiſhed to go on board, he ſaid it was too late, and I ſhould ſtay with him all night, accordingly I went and ſtaid with him, and being very much intoxicated, it is quite a myſtery to me all this affair, I am ignorant of it.

The Rev. Mr. COOPER *ſworn.*

I am curate of St. Andrew's Holborn, I have known the priſoner from a youth, I know his father, he is an inhabitant of the pariſh which I was rector of in America; his father is what they call a ſhopkeeper in a very reputable way in Charles Town, a man of a very worthy and very good character, very upright in his dealings; I knew this young lad, and when I was obliged, in order to maintain my allegiance, to quit the country, he remained in the garriſon till the cloſe of 1782; he went out then into the American camp, I never heard any thing amiſs of the boy, I never heard any thing criminal of him; I have not known him ſince he came home, he has been in England but two or three months.

EBENEZER JOHN COLLETT, Eſq. *ſworn.*

I knew the priſoner for near the laſt four years, he was eleven months with his father in Charles Town, South Carolina; I believe the reaſon of his leaving the country was, he had been out a ſhooting; bringing home

home his gun charged, he left it in a room where there were his brother and ſiſter, the younger brother of the lad the priſoner, took up the gun in mirth, and ſaid he would fire at his ſiſter, unfortunately the gun was charged, and it killed his younger ſiſter: it was on account of this unfortunate circumſtance, that the priſoner begged of his father to permit him to leave home, and ſeek his fortune elſewhere; his father permitted him to go, and put him under the care of a Captain M'Carty bound to this port; the Captain was obliged to ſell his ſhip, and could not afford this lad any longer protection; if the Court will put him under my protection, I have a ſhip going to the part where his father now lives, and I will pledge myſelf to the Court to ſend him to his father; he has had a good education, and till now was a very good boy, he may be reſtored.

Court. How old is he?—About ſeventeen.

Court to Priſoner. Will you undertake to go with that gentleman as a ſailor on board his ſhip?—Yes, my Lord.

GUILTY.

Court. Then let him be *fined* 1s. and delivered to that gentleman.

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107. RICHARD CAIN, THOMAS WATSON, and GEORGE ONSLOW were indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of George Stevens, about the hour of three in the night on the 10th of November laſt, and burglariouſly ſtealing therein three ſhirts, value 10s. four ſhifts, value 8s. five yards of cloth, value 5s. one pillow caſe, value 6d. two nightcaps, value 6d. and one apron, value 1s. his property.

The witneſſes examined apart.

REBECCA STEVENS *ſworn.*

My huſband lives in Drury-lane, he keeps the Mogul's head; my houſe was broke open on the 10th of November, we had waſhed and hung ſome linen in the club room, every thing was ſafe over night, and I ſaw the windows both ſhut, there was no faſtening to the ſhutters, we went out of the room and locked the door about one o'clock in the morning; about eight the girl went in to open the windows, and ſhut the door again; at half after eleven I went to ſee if the things were dry, and I miſſed the things mentioned in the indictment, they were all there the night before; I immediately enquired about them, and could not find them, I did not obſerve any part of the houſe to be broke open; it being talked about the neighbourhood I got again one old apron, and one night cap; the things were found on the Monday, one Mrs. Dobſon had bought them as ſhe ſaid, becauſe ſhe thought they were mine, and a woman had been offering ſome ſhirts and ſhifts, I know nothing of the priſoners.

ELIZABETH SIMMONDS *ſworn.*

At half after eight on the Thurſday morning I went into this room, I found the ſaſh window open next King-ſtreet, I did not mind the clothes, the ſhutter was open, the other window was ſhut, and the ſhutter was ſhut.

How came you not to mention it?——I do not know, I did not take any notice about it, I did not ſhut it down.

Court to Mrs. Stevens. Did you find the window open?——Yes.

MARY DOBSON *ſworn.*

I produce an apron and cap, I bought them of Ann Geary, the 15th of November.

What did you give her for them?——Two ſhillings and two-pence, ſhe is here, I bought them by Mrs. Stevens's deſire, to find out the other things.

(The apron and cap depoſed to by Mrs. Stevens.)

ANN GEARY *ſworn.*

I ſold this cap and apron to Mrs Dobſon.

How

How did you come by them?——I had them and three ſhirts, and four ſhifts, all wet, from *that young gentleman Thomas Watſon*; it was on Thurſday morning, about a quarter after ſeven, I cannot tell the day of the month.

How long before you ſold them to Mrs. Dobſon?——Three or four days, I ſold the ſhirts and ſhifts to one Glover.

Did you buy them of Watſon?—No.

How came you to get them from him?——I went into a public-houſe to get a pennyworth of purl, and he aſked me to ſell them, he ſaid I need not be afraid.

Was he an intimate acquaintance of yours?——No, I have ſeen him ſeveral times before.

Did he tell you how he came by them?——No.

Court to Watſon. Have you any queſtions to aſk?

Priſoner. My Lord, this woman has been tried ſeveral times, I wiſh you to enquire into her character.

What are you?——I go out a charing, and ſell things in the ſtreet.

Are you a married woman?——No.

Priſoner. She is a woman that gets her living upon the town, ſhe will ſwear any other man's life away, as ſoon as ſhe would ours, ſhe was tried here the ſeſſions before laſt.

EDWARD LUCAS *ſworn.*

On Sunday the 21ſt of November I received information, and apprehended the priſoners, I am conſtable of St. Giles's pariſh; I went to the priſoner Cain's lodgings, I found him in the room ſtanding by the fire, and in ſearching under the bed I found theſe implements.

(Two crows, a hammer, and a piſtol tinder box produced.)

I then went after Watſon and took him in bed at his lodgings in Croſs-lane, I found nothing upon him, I took him to the round-houſe.

GEORGE MECHAM *ſworn.*

I know nothing of the robbery, I took all the three priſoners in cuſtody, and in Cain's room I ſaw theſe crows taken; I took Onſlow in Drury-lane, in the ſtreet, I found nothing upon him, Watſon was in bed with his girl.

Priſoner Watſon. I never ſaw the woman, I know nothing of the affair, I never gave her any thing to ſell for me.

RICHARD CAIN, GEORGE ONSLOW, } NOT GUILTY.

THOMAS WATSON, GUILTY.

Of ſtealing the goods, but not Guilty of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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108. ANN BARKER, wife of WILLIAM BARKER, was indicted for feloniouſly ſtealing on the 3d day of November laſt, two pair of drawers, value 3s. two handkerchiefs, value 3s. one other handkerchief, value 12d. one pair of ſilk ſtockings, value 2s. a table cloth, value 5s. five linen towels, value 2s. one handkerchief, value 18d. and a pair of laced ruffles, value 4s. the property of Mary Bond.

MARY BOND *ſworn.*

I live in Dean-ſtreet Soho, the priſoner at the bar lived ſervant with me about nine months, I have been loſing things during the time ſhe lived with me; I loſt a table cloth, five towels, a dreſſer cloth, a long lawn white apron, a linen handkerchief, a pair of laced ruffles; I have ſeen them ſince, I had them from Mrs. Francis's houſe, the priſoner had my keys and acceſs to my property; I do not know when theſe things were loſt in particular.

——— FRANCIS *ſworn.*

The priſoner brought ſome things to our houſe, and aſked me to let her leave them

them there till ſhe called for them, ſhe was ſervant at that time to this lady.

(The things produced.)

ELEANOR RICHARDS *ſworn.*

I am ſervant to Mrs. Bond, I went to Mrs. Francis's houſe by mere chance, and I ſaw this handkerchief on Mrs. Francis's neck, and theſe things were there, my miſtreſs has had them in her cuſtody ſince.

(The things depoſed to by Mrs. Bond.)

Mrs. Francis. I pawned ſomething for her by her deſire, ſhe owed me a little money, and ſhe bid me pay myſelf.

Priſoner. I lived with that lady nine months, I never had any wages, I lent her half a guinea, ſhe always gave me leave when I wanted money to pawn her things, ſhe never offered me a farthing.

Court to Richards. How long have you lived with Mrs. Bond?——Nine months, I always could have money when I aſked for it; Mrs. Bond never told me to pawn her things, nor the priſoner neither, not for herſelf.

Priſoner. Gentlemen I never had a farthing, the Lady took me out of ſpite to Litchfield-ſtreet, the Lady is in a very *various* way of life.

Court to Mrs. Bond. Had ſhe any wages of you?——Yes, I paid her wages as ſhe ſays.

Priſoner. Mr. Fletcher paid me my wages at the Rotation office, by order of Sir Robert Taylor.

ELIZABETH EDWARDS *ſworn.*

The priſoner came to me, and deſired I would go and receive her wages of a Lady whoſe name was Appleton, in Fitzroy-ſtreet; her miſtreſs was very much offended at the demand, and charged me on my life to tell her ſhe had robbed her; ſhe called this woman a thief, I told Mrs. Appleton, you have much the appearance of a gentlewoman, I beg you will adjuſt this matter, for the woman declares ſhe never robbed you, or any body elſe; I ſaid for my own ſatisfaction, and the many obligations the priſoner at the bar has been under to me, I ſhould have been very happy for her family's ſake. Mrs. Appleton ſaid, if ever ſhe dared go nigh any of her friends, ſhe would proſecute her; I ſaid Madam, do not be ſo cruel; this is the gentlewoman that is the proſecutrix now, I had this order to demand the wages of Mrs. Appleton; will you be ſo obliging Madam to let me look at your face *(to the proſecutrix)* I am not afraid to ſhew my face before all the world; that is the very Lady, Sir, who went by the name of Appleton; and ſhe further ſaid, that if this woman had any demands, that her maſter ſhould hang her; which of the maſters I cannot ſay.

Court. Then you went to that Lady who bore the name of Appleton, and you demanded wages, and ſhe ſaid if ſhe troubled her for wages, her maſter ſhould hang her?——Yes.

Mr. Silveſter, Council for the Proſecutrix.

Who are you?——A woman Sir.

You look more like a man than a woman, what are you?——I am a wife, I have lived in Printing-Houſe-yard, Black-friars, eight years, I never was before a Court, nor my name in queſtion before.

Did you know the hand-writing of the priſoner?——Yes.

Look at that, and ſee if that is her hand writing?—There is her hand writing on the note.

Put on your ſpectacles?——I have none Sir, but if you pleaſe to lend me a pair, I can tell you; my huſband was a jeweller by trade, I now follow the ſtay-making buſineſs, and employ a great many hands *(looks at it)* I cannot pretend to ſay, I have a vaſt many notes, I have ſeen her writing.

(Read.)

"Received the 4th of November, nine months wages, due the 10th of October."

Court. When was it you went to Mrs. Appleton?——The week following, after ſhe was diſcharged by her miſtreſs.

GUILTY.

To be privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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109. SARAH LADLOVE was indicted for feloniouſly ſtealing, on the 23d of October laſt, a gold mourning ring, value 8s. the property of Jonathan White, privately in his ſhop.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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110. WILLIAM THOMAS was indicted for feloniouſly ſtealing, on the 19th of November laſt, one blunderbuſs, value 10s. the property of Nathaniel Parker Forth, Eſq.

The proſecutor could not ſwear to the blunderbuſs.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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111. ANN FARMER was indicted for feloniouſly ſtealing on the 23d of October laſt, a ſilver watch, chain, ſeals, value 50s. and five guineas, value 5l. 5s. the property of Richard Hurd, in the dwelling of Samuel Hatton.

The proſecutor being very much intoxicated would not undertake to ſwear to the priſoner.

NOT GUILTY.

Court to Priſoner. If the proſecutor's conſcience had not been tenderer than your's, you might have been convicted of a capital offence; however, you have this aggravation of your crime, that you know now that you have robbed an honeſt man.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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112. ELIZABETH COOPER was indicted for feloniouſly ſtealing, on the 20th of November laſt, two pair of linen ſheets, value 10s. two blankets, value 4s. one bolſter, value 2s. one quilt, value 2s. a tin kettle, value 12d. three flat-irons, value 1s. 6d. the property of Mary Smith, widow, being in a certain lodging, let by the ſaid Mary to the ſaid Elizabeth, to be uſed by her with the ſaid lodging, againſt the ſtatute.

Mary Smith depoſing, that ſhe did not think the priſoner took the things with a felonious intent, the Jury found her

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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113. SAMUEL SATCHER was indicted for feloniouſly ſtealing, on the 10th day of November laſt, one tea-cheſt, value 3s. one pair of ſilver ſhoe buckles, value 7s. one bird-cage, value 5d. three white aprons, value 3s. two ſilver ſleeve buttons, value 1s. and three guineas, value 3l. 3s. the property of Elizabeth Hole.

The Proſecutrix left theſe things in a hackney coach, and found them afterwards at the priſoner's lodgings, who was the coachman; ſhe ſaid, ſhe believed they were taken by miſtake, and did not want to hurt the priſoner.

Court. You ſpeak like a very humane and good woman, but however you owe a duty to the public; do you believe he took them with an intent to ſteal them?—No, I do not think he did.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

114. CORNELIUS CASSODY was indicted for feloniously ſtealing, on the 4th of December, an iron-bar, value 2s. one iron-padlock, value 6d. the property of Chriſtopher Coates.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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115. WORRALL GEORGE was indicted for feloniouſly ſtealing, on the 4th of December, one copper ſauce-pan, value 4s. two flat-irons, value 2s. the property of Henry Jones.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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116. JOHN BROWN was indicted for feloniouſly ſtealing, on the 2d of November laſt, one pair of ſaddle piſtols, value 30s. the property of Uritas Humphrys.

GUILTY.

Privately whipped.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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117. SAMUEL KIRBYN was indicted for feloniouſly ſtealing, on the 8th day of November laſt, one pair of ſtockings, value 10d. one neckcloth, value 2d. one apron, value 10s. the property of John Hayward.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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118. WILLIAM MOUNTAIN was indicted for burglariouſly breaking and entering the dwelling houſe of John Lejune on the 3d of November laſt, about the hour of ſeven in the night, and burglariouſly ſtealing therein a brown ſilk gown, value 15s. another gown, value 5s. a black ſilk gown, value 6s. a black crape and worſted gown, value 4s. one apron, value 6d. a ſilk cloak, value 1s. a bed quilt, value 2s. a remnant of worſted damaſk, value 1s. the property of the ſaid John Lejune: And ANN HEWITT was indicted for receiving the ſame, knowing them to be ſtolen.

Mrs. Lejune depoſed to the burglary, and loſing the things, but could not tell who took them; and John Armſtrong found part of the things at the houſe of Mrs. Hewitt, who very readily produced them, and came to the Juſtice's and gave evidence, that ſhe had them of the priſoner and another, after which ſhe was indicted as a receiver: the Court obſerved, the Juſtice ſhould not have ſuffered the woman to be indicted as a receiver, after he had examined her as a witneſs, there being nothing improper in her conduct; and ſhe would have been a very legal and proper witneſs againſt the priſoner and his accomplice; inſtead of which the Juſtice ordered her to be indicted as the receiver, and the accomplice as the witneſs; therefore, the priſoners were

BOTH ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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119. JAMES HOBBS was indicted for feloniouſly ſtealing on the 20th day of November laſt, one ſilver watch, value 40s. a ſteel chain, value 1s. two ſtone ſeals, ſet in baſe metal, value 2s. one other ſeal, value 6d. the property of Thomas Holmes.

Thomas Holmes depoſed the priſoner came in to ſweep the chimney, and his watch hung by the ſide of the chimney, and his wife miſſed the watch, and purſued

purſued the priſoner into Moorfields, and caught him, and he took the watch out of his pocket.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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120. CHARLES MEDLEY was indicted for feloniouſly ſtealing on the 21ſt of November laſt, one ſilver watch, value 20s. and one key, value 1d. the property of Solomon Greentree.

SOLOMON GREENTREE *ſworn.*

I loſt my watch the 21ſt of November, it hung in the bar, the priſoner was in the houſe, the time it was loſt, I do not recollect any body elſe being there, I had a little girl in the bar, who was aſleep, I was in the cellar, the priſoner came back in about an hour and a half, I accuſed him of taking the watch, he denied it at firſt, when the conſtable came, he owned he took it.

Court. Did you make him any promiſe?——Yes I did, upon that he told me where it was, I found it at a houſe in Chick-lane.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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121 JAMES HARVEY was indicted for feloniouſly ſtealing, on the 16th of November laſt, one bricklayer's ſcreen, value 10s. the property of John Mills.

The parties not appearing, the priſoner was

ACQUITTED.

Tried by the ſecond London Jury before Mr. RECORDER.

122. SARAH MASON was indicted for feloniouſly ſtealing, on the 2d day of November laſt, two aprons, value 1s. the property of William Smith; and one other check apron, value 6d. the property of Elizabeth Hannible.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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123. THOMAS MORRIS was indicted for feloniouſly ſtealing, on the 2d day of December laſt, five pounds of tobacco, value 5s. the property of Samuel Pearſon.

Edward Ogle not appearing, the priſoner was

ACQUITTED.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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124. CATHERINE HART was indicted for feloniouſly ſtealing, on the 21ſt of November laſt, three gowns, value 20s. a ſilk petticoat, value 3s. a dimity petticoat, value 3s. five ſhirts, value 20s. four ſhifts, value 8s. three bonnets, value 3s. the property of John Norfolk, in his dwelling houſe.

JOHN NORFOLK *ſworn.*

I am a fiſhmonger in White-roſe-court, Coleman-ſtreet, on Sunday the 21ſt of November, my wife and me went to church in the morning, and left the priſoner, who is our ſervant, at home, ſhe had lived with us about three weeks; when we returned about one, I found the door upon the ſingle latch, the houſe ſtripped, and the priſoner gone; I found her afterwards at the Waggon and Horſe, at Tottenham, ſhe had ſome of my wife's things on; ſhe took the conſtable to a houſe juſt by, where the property was.

JOHN

JOHN CLARK *ſworn.*

I found the things at the houſe of one John Howard, there was a company drinking with the priſoner, I took her out, and ſhe told me the things were very near, I told her to go before, ſhe got from me; I found her in half an hour.

(The things depoſed to.)

JOHN HOWARD *ſworn.*

I live at Edmonton, the priſoner left this bundle at my houſe, I have no acquaintance with her; ſhe was taken before ſhe came back; I never ſaw the bundle open till ſhe was taken.

Priſoner. I leave it to you, Sir, and the Jury.

Court to Proſecutor. What may be the value of theſe things, if they are above forty ſhillings value, it will be a capital offence.

Proſecutor. My Lord, I value them at thirty ſhillings, in order to ſave her life, becauſe the wretch's life is no value to me.

GUILTY, 30s.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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125. WILLIAM DEADMAN was indicted for feloniouſly ſtealing, on the 11th of November laſt, four braſs cocks, value 20d. the property of Thompſon Warner.

GUILTY.

Privately whipped and diſcharged.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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126. THOMAS HALL and EDWARD HALLARD were indicted for feloniouſly ſtealing, on the 3d of December laſt, ſeven quart pewter pots, value 4s. one pint pot, value 1s. the property of John Long.

The Proſecutor not appearing, the priſoners were

ACQUITTED.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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127. THOMAS HALL and EDWARD HALLARD were again indicted for feloniouſly ſtealing, on the ſame day, one pint pot, value 1s. and a half-pint pot, value 6d. the property of Timothy Smith.

The Proſecutor not appearing, the priſoners were

ACQUITTED.

Tried by the ſecond London Jury before Mr. Baron HOTHAM.

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128. JOHN BURNE and GEORGE VARLO were indicted for feloniouſly ſtealing, on the 20th of November laſt, twenty ſquirrel ſkins, value 12s. the property of John Daniel, and William Paul.

BOTH GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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129. BENJAMIN CHAMBERS and WILLIAM BANISTER were indicted for feloniouſly aſſaulting John Green, on the King's highway, on the 8th day of December laſt, putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, eighteen mock pearl waiſtcoat buttons, value 6d. a penknife, value 2d. and two rings, value 1d. his property.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

130. ELIZABETH HYNDES was indicted for feloniously ſtealing, on the 4th of November laſt, one cloth coat, value 5s. one Mancheſter waiſtcoat, value 5s. the goods of John Cooper, privily in his ſhop.

Mr. Peatt, Priſoner's Council, aſking the proſecutor if he had a partner, and it appearing he had, and his name not being in the indictment, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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131. ELIZABETH GEARISH was indicted for feloniouſly ſtealing, on the 6th day of November, one ſilver watch, value 4l. a baſe metal watch chain, gilt with gold, value 5s. one key, value 1d. a ſtone ſeal, value 2s. the property of David Davis, privily from his perſon.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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132. JOHN SIMMS was indicted for feloniouſly ſtealing, on the 2d day of December laſt, one hundred pounds weight of lead, value 50s. belonging to Francis Bullock and Thomas Bullock, then and there fixed to a certain building of theirs, againſt the ſtatute.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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133. CHARLES HOWARD was indicted for feloniouſly ſtealing, on the 20th of November laſt, one hempen ſack, value 12d. containing four buſhels of oats, the property of John Auſtin.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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134. ELIZABETH FOGERY was indicted for feloniouſly ſtealing, on the 23d day of July, one pair of ſheets, value 6s. the property of Mary Salway.

This being in a lodging room, and the priſoner being indicted generally, ſhe was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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135. WILLIAM COOPER was indicted for feloniouſly ſtealing, on the 30th of October laſt, one wooden box, value 18d. and ſixty pounds weight of wax candles, value 6l. the property of Alexander Barclay.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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136. HENRY BOTHAM was indicted for feloniouſly ſtealing, on the 29th day of November laſt, four cotton bed curtains, value 40s. and ſeveral other things, out of his lodging rooms.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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137. JOHN MORGAN was indicted for feloniouſly ſtealing, on the 24th of June

June laſt, one glaſs lamp, value 2s. and one tin lamp-rim, value 2d. the property of Thomas Macemore.

GUILTY, 10d.

Whipped.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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138. JOHN SEALY was indicted for feloniouſly ſtealing, on the 4th of November laſt, fourteen yards of printed callico, value 5l. the property of Meeſon Scholey, in his dwelling houſe.

NOT GUILTY.

To be detained till next Seſſions.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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139. THOMAS GLOVER was indicted for feloniouſly ſtealing, on the 3d day of December laſt, one live cow, price 8l. the property of James Ward and John Arthur.

The priſoner being ſtopped with the cow in Diot-ſtreet, ſaid the cow was not his, but he found it in Long-acre, and gave his direction, where he was afterwards taken; there being no proof of the ſtealing, he was not put on his defence.

ACQUITTED.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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140. JOHN LEAPER was indicted for feloniouſly ſtealing, on the 29th day of October laſt, four linen bags, value 2s. and twenty pounds weight of hard ſoap, value 14s. the property of John Dupois.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

141. JOHN FITZGERALD was indicted for feloniouſly ſtealing, on the 4th of December, one cloth coat, value 8s. one waiſtcoat, value 4s. and one pair of breeches, value 3s. the property of Patrick Hewngley.

The Proſecutor not being able to ſwear to the things, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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142. THOMAS M'CAN was indicted for feloniouſly ſtealing, on the 2d day of November laſt, a ſhag waiſtcoat, value 6s. the property of Iſaac Levy.

GUILTY, 10d.

Whipped.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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143. MARY BIRCH was indicted for feloniouſly ſtealing, on the 18th of November laſt, a cloth coat, value 12s. a dimity waiſtcoat, value 7s. a hat, value 3s. a pair of ſhoe buckles, value 3s. the property of John Wheeler.

GUILTY, 10d.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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144. ELIZABETH PRITCHARD was indicted for feloniouſly ſtealing, on the 23d of October laſt, one ſilver watch, value 20s. two ſeals, value 1s. the property of Joſeph Young.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

145. WIL-

145. WILLIAM RUSSELL was indicted for feloniously ſtealing, on the 30th of April laſt, ſix buſhels of oats, value 12s. ſix truſſes of hay, value 3s. three buſhels of horſe beans, value 3s. the property of George Addis and Thomas Winſlow; and JOHN BREWER was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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146. WILLIAM BACOT was indicted for feloniouſly ſtealing, on the 10th of December laſt, one ſilver watch, value 20s. the property of William Thompſon.

Mrs. Thompſon found the priſoner ſitting in the kitchen, he went out ſoon after, and ſhe miſſed the watch, which her huſband left at home, and ſhe found it the ſame day at the pawnbroker's.

And *Reynolds*, a pawnbroker, produced the watch, which he took in the ſame day of the priſoner.

The Priſoner called one witneſs who gave him a very good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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147. WILLIAM BINGHAM was indicted for ſtealing, on the 17th day of December, one paſte pin, value 2s. and 6s. the property of Ann Plant.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

148. JOHN HOWE was indicted for feloniouſly ſtealing, on the 8th day of December, eight pounds of lump ſugar, value 5s. the property of John Robinſon.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Lord LOUGHBOROUGH.

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149. ISAAC DUPRE was indicted for ſtealing, on the 6th of November laſt, eight pounds of tobacco, value 8s. the property of Thomas Gerrard..

GUILTY.

Whipped:

Tried by the ſecond London Jury, before Lord LOUGHBOROUGH.

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150. JOHN HARFORD was indicted for feloniouſly ſtealing, on the 2d of December laſt, two caſks, value 3s. and twenty gallons of geneva, value 4l. the property of Alexander Gordon and Malachy Foot.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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151. DANIEL MACAWAY was indicted for feloniouſly ſtealing, on the 23d day of November laſt, one callico ſhawl, value 10s. the property of William Gibſon.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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152. PETER FINNEY was indicted for feloniouſly ſtealing, on the 26th day of November laſt, ſeven pounds weight of American

American leaf tobacco, value 12s. the property of Iſaac Delmally.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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153. JOEL ABRAHAMS was indicted for feloniouſly ſtealing, on the 29th of of October laſt, a wooden box, value 1s. and a quantity of linen, value 5l. the property of Robert Wrangle.

GUILTY.

Fined, 1s.

Tried by the ſecond London Jury before Mr. RECORDER.

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154. EDWARD BOND was indicted for ſtealing, on the 24th of November laſt, one loaf of ſugar, value 15s. the property of Thomas Sheireff.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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155. DANIEL MURPHY was indicted for ſtealing, on the 11th of November laſt, half a pound weight of American leaf tobacco, value 6d. the property of Joſeph Jackſon.

GUILTY.

Privately whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

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156. ISAAC DUKES was indicted for feloniouſly ſtealing, on the 17th of November laſt, eight pair of ſtockings, value 12s. the property of Edward Porter.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

157. GEORGE NEWTON was indicted for feloniouſly ſtealing, on the 1ſt day of November, one pair of leather boots, value 8s. the property of Simon Leach.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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158. MARY BRAMHAM was indicted for feloniouſly ſtealing on the 16th day of November laſt, two ſtuff petticoats, value 20s. one pair of ſtays, value 18d. four yards and a half of cloth, value 5s. one waiſtcoat, value 3s. one cap, value 6d. one pair of cotton ſtockings, value 2s. one pair of nankeen breeches, value 2s. and one cloth cloak, value 5s. the property of John Kennedy.

Ann Kennedy depoſed, that ſhe took the priſoner to mind her children, and ſhe robbed her of the things in the indictment, while the proſecutor was gone to Covent-Garden market, and left the houſe and her child crying in the cradle; ſhe ran over to the pawn-broker's, Mr. Lane's, and found the buckles and the reſt of the things at different pawn-brokers. *Several pawn-brokers* produced the things pawned by the priſoner.

(The things depoſed to.)

Priſoner. I have nothing to ſay.

The priſoner called two witneſſes, who gave her a very good character as a very dutiful child.

The priſoner's mother was ſworn, and ſaid, the priſoner was not fourteen, and had been deluded from her ſix weeks, and knew nothing of her till ſhe found her at the proſecutor's houſe.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

159. ROBERT JONES was indicted for feloniously ſtealing on the 3d of December laſt, two pair of linen ſheets, value 4s. one cloth cloak, value 6s. one coat, value 2s. one great coat, value 6s. two linen bed curtains, value 2s. the property of John Jones.

The witneſſes examined apart at the requeſt of the priſoner.

ELEANOR JONES *ſworn.*

I caught the priſoner in my room, I ſeized him by the collar, he gave me a violent puſh in my ſtomach, and puſhed me on one ſide and run out, but ſtumbled over the ſtep; I cried out ſtop thief! and he was ſtopped in about a hundred yards, and I ſaw the priſoner drop the things mentioned in the indictment, and other things.

John Eades aſſiſted in ſeizing the priſoner, and was ſure to the man.

PRISONER's DEEENCE.

I was coming down Long-Acre, it was very dark, and a man run by me, and they came and took me.

Proſecutor. The priſoner was never out of my ſight.

GUILTY.

Tranſported for ſeven years.

Court to Priſoner. Your own conſcience will tell you what I am informed of, that you have been here three times before.

Priſoner. I never was, my Lord.

Court. You have been in impriſonment and have broke priſon, therefore make a particular memorandum, that it may be reported ſpecially to the King, that he may be tranſported ſeven years to the coaſt of Africa, among the Blacks.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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160. ELIZABETH DIXON was indicted for feloniouſly receiving, on the 20th of September laſt, one gold watch, value 5l. two gold watch keys, value 8s. one hook, value 2s. and three gold rings, value 6s. the property of one Thomas Andrews; whereof Alexander Dixon was, at the laſt general ſeſſions holden for the town and port of Dover, convicted of feloniouſly and burglariouſly ſtealing.

A Second Count for feloniouſly receiving, comforting, and maintaining the ſaid Alexander Dixon, well knowing him to have committed the ſaid felony and burglary, aforeſaid.

Thomas Andrews ſworn, proved the conviction of Alexander Dixon.

BENJAMIN BARBER *ſworn.*

In conſequence of a robbery at Dover, Dixon's father was taken with the property that had been ſtolen at Dover; he was aſked where the watches were, and he ſaid, he was ſent there to fetch them, innocently, and knew nothing where they were; and then ſaid, that if they would not hurt him, he would give them information where they might find the watches; he wrote a letter to his wife the priſoner, deſiring her to give the particulars of the burglary done at Dover.

Mr. Garrow. Have you the letter?—Yes.

Produce it?——She denied having any knowledge of it, and ſaid ſhe knew nothing of the property, or any thing about it; we preſſed her very much upon it, and told her if ſhe would reſtore us the property, it was all we wiſhed or wanted of her; but ſhe ſtill perſiſted in being ignorant, we went about the houſe to ſearch, and Jealous and me were in the kitchen, and left Mr. Andrews and her in the parlour; in that parlour I found ſome drawers that were locked and could not get into them, and we went out of the room, and returning we found the drawers open, and her at them: there was the ſilver watch which Mr. Andrews ſwore to, we inſiſted on ſearching her, ſhe refuſed, but we did ſearch her, and Mr. Carpmeal took a watch out of her boſom, and Jealous found ſome rings.

Mr. Garrow. This was the houſe of Dixon the father?——So I underſtood.

The father was admitted evidence againſt the ſon, and the ſon was executed?—Yes.

This woman denyed knowing any thing of the burglary at Dover?——Yes.

The Priſoner was not put on her defence being conſidered as cautious, leſt ſhe ſhould diſcover any thing that might affect her huſband.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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161. MARY MORRIS was indicted for feloniouſly ſtealing on the 27th of November laſt, twelve yards of ſilk ribbon, value 12s. the property of John Gilſon Bambridge, privily in his ſhop.

MARY BAMBRIDGE *ſworn.*

I am a milliner in Taviſtock-ſtreet, on Saturday evening, the 25th of November, between ſix and ſeven, the priſoner came to my ſhop, ſhe came in alone, and asked for ſome ribbons, ſeveral boxes were ſhewn her; I did not ſerve her; ſhe ſtood three or four minutes before I was informed of the robbery, ſhe did not buy any thing before ſhe went out; I was informed by the next witneſs.

Mr. Peatt, Council for the Priſoner. Tell the Court what you know, not what you was informed?—This piece of ribbon was miſſing, and I went to her, and from under her cloak, under her right arm, I ſhook this piece of ribbon; the next witneſs ſaw her take it, there was fourteen yards, or rather more.

Court. What may it be worth a yard?—It coſt one and twenty pence a yard, I am ſure of the ribbon by my huſband's writing upon it "21," the word and figures, "18 yards," alſo are his hand writing.

Court. What did the priſoner ſay when the ribbon dropped from under her cloak?——She denied it; I immediately took her into cuſtody, I am ſure it dropped from under her cloak.

Mr. Peatt. It was between ſix and ſeven?——Yes.

Then you had candles on the counter?——Yes, I was on the right hand, not far from her.

Had ſhe frequented your ſhop?——I never ſaw her in my ſhop before, I ſaw nothing of this tranſaction before I was told of it, there were four cuſtomers in the ſhop when I came up to her; I ſuppoſe there might be eight or nine at firſt, but not near her; I came from behind the right-hand counter, ſhe was ſerved at the left-hand counter; there was nobody near her when I came up to her, ſhe had a black cloak on, but not a long one; I ſaw it drop from her, it was rolling from her right heel.

Is not it a common pattern?——I can ſwear both to the figures and the words.

Have not you ſold a great many ribbons of that pattern before?—Never.

Is not that a uſual length?——It is half a piece.

I ſuppoſe other ſhop-keepers mark their ribbons in the ſame manner?——I do not know what other people do, I never ſaw any marked in the ſame ſtile that that is done.

How long before this evening was it that you ſaw this ribbon in the drawer?——I had taken it out of the window before candle-light that very evening.

Was you before the Magiſtrate?——I was.

The Magiſtrate thought very ſlightly of the circumſtance, as it was then made out in evidence did not he?—I did not underſtand him ſo.

Did he offer to take bail?—I never heard a word about it.

ANNA MARIA OLIVER *ſworn.*

I am apprentice to the laſt witneſs, I remember ſeeing the priſoner perfectly well; ſhe came to our ſhop on Saturday the 27th of November, between ſix and ſeven, I ſerved her, ſhe aſked for ribbons, I ſhewed her ſeveral drawers, ſhe did not buy any; ſhe fixed

fixed on one, and aſked the price of it, ſhe took a piece with her left hand; I do not recollect the price of it, I was ſo confuſed, but I ſaw her put her right-hand and take a piece out of the drawer, and conceal it under her cloak, the piece ſhe had in her left hand ſhe gave to me; I went and informed Mrs. Bambridge, ſhe immediately went to the priſoner, and ſhook her, and the ribbon fell from her; I was by, it appeared to fall from under her petticoats: this is the piece of ribbon, I ſaw her put it under her cloak, but it dropped from under her petticoat.

Mr. Peatt. You was very much confuſed?—Yes, there were one or two more women there, and a man came into the ſhop, I miſſed two or three pieces more; I am ſure the priſoner was the perſon; I ſaw the piece under her cloak; my miſtreſs was at the oppoſite compter.

Was not you directing your obſervation to your miſtreſs?—No, I could not, there was another lady ſtood before me, they were at the other counter, about a yard and a half off.

Are you ſure it dropped from under her petticoat?——I am not ſure, but it ſo appeared.

Which ſide did it drop, near the ladies, or near the door?——Near the ladies.

PRISONER's DEFENCE.

I went into the ſhop to buy ſome ribbon, and that young lady ſhewed me a box, that was too low a price, ſhe ſhewed me ſome at another price, I agreed for two yards at one ſhilling a yard, I laid down two ſhillings, I thought ſhe was gone round to cut it off, and ſhe went round to tell her miſtreſs ſhe was robbed; ſhe ſaid ſhe miſſed a piece of ribbon, ſays ſhe, whether it was the lady that went out, or this lady, I cannot ſay, but I ſuſpect this lady; I believe there were ten or twelve people in the ſhop, they took me backwards and ſtripped me, and found nothing at all upon me; when they came back, they found ſuch a piece of ribbon; they kept me from ten minutes after five till eight.

Court to Mrs. Bambridge. Did the ribbon drop before you ſearched her?——From my ſhaking her; ſhe went into a little room, and I followed her, miſſing other things, but no other than this we found upon her or near her.

Court to Miſs Oliver. You did not ſuſpect any of the reſt of the company?——No, I told Mrs. Bambridge I ſaw her take it.

The priſoner called three witneſſes who gave her a very good character.

GUILTY.

Of ſtealing, but not privately.

To be privately whipped, and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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162. JAMES COATES was indicted for ſtealing, on the 1ſt of December, one linen handkerchief, value 2d. the property of Thomas Lamb.

GUILTY.

Whipped.

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163. WILLIAM THOMAS was indicted for ſtealing, on the 31ſt of October laſt, two iron gudgeons, value 30s. and two iron ſpades, value 3s. the property of Ralph Royal, and others.

GUILTY.

Tranſported for ſeven years.

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164. JOHN HOW was indicted for ſtealing, on the 30th of November, one pound three quarters weight of cotton, value 1s. 6d. the property of Thomas Wagg.

GUILTY.

Whipped.

165. JAMES

165. JAMES COOK was indicted for ſtealing, on the 25th of November, four ſwing looking glaſſes, value 16s. the property of Thomas Holmes.

GUILTY.

Whipped.

The preceding four tried by the ſecond London Jury before Mr. RECORDER.

On Monday the 21ſt of December, being the eleventh day of this Seſſion, a Third London Jury were ſworn, as follows:

John Daviſon,	Archibald Hamilton,	Joſeph Smith,
Thomas Langford,	Thomas Evans,	John Lee,
Henry Cox,	Thomas Hall,	Richard Lumley,
Thomas Ovey,	John Pearl,	William Robins.

166. JAMES KEATES was indicted for ſtealing, on the 8th of December, one cuſhion of a ſedan chair, value 3s. the property of Lee M'Langley and John Crokan.

NOT GUILTY.

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167. CUTHBERT RUTLEDGE, NATHANIEL DAVIS, and JAMES COLLINS, were indicted for feloniouſly aſſaulting Patrick Barret on the King's highway, on the 17th of November laſt, and putting him in fear, and taking from his perſon and againſt his will, one man's ſhoe, value 1s. one ſilver ſhoe buckle, value 8s. and one man's hat, value 5s. his property.

ALL THREE NOT GUILTY.

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168. DANIEL HUGGINS was indicted for ſtealing, on the 31ſt of October, two lumps of ſugar, value 30s. the property of Charles Monery.

NOT GUILTY.

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169. THOMAS CLARKE was indicted for feloniouſly ſtealing, on the 4th of November laſt, two table ſpoons, value 20s. the property of Thomas Rowney.

The priſoner came in to take out duſt, and two ſpoons were loſt, which one of the witneſſes, *James King*, ſaw in the kitchen when the priſoner was below: the priſoner ſent up the maid for a broom, and followed her, and flung down the baſket of duſt, and made off; the ſpoons were never found: the priſoner was taken next day.

Priſoner. The cart went on, and the horſe's ſhoe came off, or elſe I ſhould have come back.

King. He ſaid before the Juſtice, he had not been duſting for five days.

GUILTY.

Tranſported for ſeven years.

The preceding four tried by the third London Jury before Mr. RECORDER.

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170. THOMAS FOSGATE was indicted for feloniouſly ſtealing on the 18th day of October laſt, one ſilver ſnuff box, value 10s. two ſilver watches, value 40s. two ſilver pepper boxes, value 30s. one ſilver pepper caſtor, value 3l. two pair of

ſilver ſugar tongs, value 20s. eight gold rings, value 4l. eighty-four ſhirt buckles, value 5l. four pair of ſilver ſhoe buckles, value 40s. forty pair of ſilver ſleeve buttons, value 3l. twenty-four ſilver ſtock buckles, value 4l. twelve ſilver thimbles, value 9s. ſeven ſilver punch ladles, value 4l. two tortoiſeſhell tooth-pick caſes, value 16s. one gold pen, value 8s. one ſilver boatſwain's call, value 2s. ſix ſilver claſps, value 4s. ſix ſilver handle knives, value 4s. ſix ſilver handle forks, value 4s. one braſs mortar, value 10s. thirty ſix-pair of ſtone knee buckles ſet in ſilver, value 5l. two hat buckles, value 8s. twelve ſilver watch keys, value 18s. one glaziers diamond, value 8s. one golden balance, value 5s. twelve pair of ſciſſars, value 8s. one glaſs bottle covered with leather, value 1s. thirty ſilver tea ſpoons, value 4l. and ten pounds in money numbered, the property of George Author in his dwelling houſe: And JOSEPH WILKS was indicted for feloniouſly receiving on the ſame day, one glaziers diamond, twelve tea ſpoons, ſix ſtock buckles, ſix pair of ſciſſars, two ſilver ſalts, two punch ladles, ſix pair of knee buckles, one hat buckle, twelve ſhirt buckles, one tortoiſeſhell toothpick caſe, and one gold pen, being part and parcel of the above goods, knowing them to have been ſtolen.

GEORGE AUTHOR *ſworn.*

I keep a ſilverſmith and toy ſhop, on Tower-hill, I loſt the things mentioned in the indictment on Monday morning the 18th of October laſt, about five minutes after ſix, I came down ſtairs and found the ſtreet door open, and my own ſervant was gone, my ſhop window was ſtripped, and both my tills were broke open; my ſervant's name is James Royer, he is now an evidence; I immediately went to his mother's in Old-ſtreet, and acquainted her of her ſon's robbing me; ſhe directed me to the priſoner Foſgate, I immediately went to his houſe, and his brother was in bed, I told him I would give him five guineas to obtain a ſight of my ſervant and my property, we went and ſearched about and got a conſtable, and gave charge of the brother, as I thought he was the principal perſon, and the brother acknowledged.

Mr. James, Priſoner Foſgate's Council. I beg to ſubmit in ſuch a caſe, whether your Lordſhip would not wiſh the accomplice to withdraw.

Court. Certainly.

Mr. Author. We ſearched after the priſoner till Wedneſday, the priſoner Foſgate was apprehended at Bath, I was ſent for to Bath, I had been twice at Briſtol, I found my property at Bath, at the Mayor's office; the priſoner Foſgate was then in cuſtody, the other priſoner was not in cuſtody, I know nothing of Wilkes; a ſilver nags-head I ſwear to, here is the ſeal to my watch, and chain that I wore two years, theſe things had been in my own houſe five or ſix years at my own table; in ſhort, the whole of the things are mine, therefore I can ſwear to every thing that is here; they were brought into Court and delivered up to me.

What is the value of thoſe things that you produce?——I ſuppoſe ten pounds, theſe things were in my ſhop window.

Mr. James. James Royer was your ſervant?——Yes.

In what capacity?——To clean ſhop, knives, &c. at ſix guineas a year, he boarded and lodged in the houſe.

What part of the houſe?—In the garret.

I need ſcarcely aſk you this queſtion whether Royer had not at all times acceſs to the property in your ſhop?——He had, excepting the tills that were locked.

This property was miſſed on the Monday morning?——It was.

You did not diſcover any part of that property, or where it was?——No, Sir, not till the 17th of November.

CHARLES STEWART *ſworn.*

I ſaw ſome young fellows come in, and they brought in a box, and had three pots of beer and ſome bread and cheeſe at my maſter's houſe; I live at the ſign of the Walnut-tree, Mr. Smallwood's, it was on Monday, but I cannot ſay the day of the month.

Was it laſt month, or in October?——It was laſt month.

How long ago?——I cannot recollect indeed the time it was, it was not two months ago, the priſoners are the two young men I ſaw.

What time in the morning?——As near as I can recollect it was between eleven and twelve, and one ſaid to the other make haſte, for the ſtage is going away, and they aſked my miſtreſs for lodgings; ſhe did not chuſe to give them lodgings becauſe they were ſtrangers, they ſtopped about three quarters of an hour, they were in a great hurry.

What ſtage were they enquiring after?—They did not mention any ſtage, but one ſaid to the other, we muſt make haſte for the ſtage is going; theſe two young men, and one James Royall all came in together, and that priſoner (Wilks) went out, and brought the box in, it was ſuch a box as that, I cannot ſay where they brought it from, they took it away again.

Court. Did you ever ſee any of theſe young men before?——I never ſaw them before in my life.

What induced you to take ſo much notice of them?——Nothing, I knew them when I ſaw them before the Lord Mayor.

How long after was that?—It was about a month, I am very poſitive they are the men, I knew them again immediately in my Lord Mayor's office.

Mr. James. You are very ready with the name of Royall, did you never ſee him before?——I never ſaw any of the three, I only ſwear to ſeeing them then, I never opened my mouth to them at all, I do not know the names of theſe men.

You ſay that man (Foſgate) ſtaid?——Yes, they were not above ten minutes gone, they were about three quarters of an hour in the houſe.

Mr. Knowles, Council for Priſoner Wilks. How long ago is it ſince you ſaw theſe young men at your houſe?——About five weeks.

Is your houſe a houſe of much cuſtom?——I have not been above two months there, in the winter time it is not, but in the ſummer time there is a good deal of company.

I ſuppoſe you may have twenty people there in a day?——No.

Is it not a public-houſe?—Yes.

How came you to recollect theſe three men?——Only by hearing the robbery was committed, we knew they were in the houſe, becauſe they brought in the box.

Should you have known them if you had met them in the ſtreet?——Yes, becauſe they came in with the box.

Have you ſeen Royall lately?——Yes.

Have you had any converſation with him lately?——I never ſpoke to him in my life, I have not ſeen him till to-day.

RICHARD DAWSON *ſworn.*

I keep a barber's ſhop, I uſe this houſe; about the 18th day of laſt month, I cannot be particular to the day, Robert Foſgate and James Royall came to my houſe at Stepney, they came down there in the morning, and they aſked the favour to leave a box, and this James Royall ſaid he had a very good place to go to, he wiſhed to leave the box there; they had ſome breakfaſt, they then went and bought ſome clothes, they dined and went away, and the Tueſday after James Royall came for the box, that was the very next day; I went with him in the coach to Whitechapel-church, he had taken a place in the Stepney ſtage: I carried it down to Whitechapel-church, and there he took a coach, and we went to Friday-ſtreet, and there he took it out, he ſaid he was to go by his maſter's coach to the other end of the town, I never ſaw him again till I ſaw him before the Alderman.

Court. Was Wilks the other priſoner there?——I did not ſee him.

Court. They cannot be ſpeaking of the ſame time?——Royall and Foſgate breakfaſted and dined at my houſe.

RICHARD TILLCOCK *ſworn.*

I apprehended the priſoner Wilks at the French-horn in Wood-ſtreet.

What

What day was it?——I do not recollect the day, it was the day after he came from Bath I found nothing upon him.

JOHN NEWMAN *ſworn.*

On the 18th of October the proſecutor called upon me, and I took charge of Foſgate, and I went and ſearched his lodgings, and in his room I found this ſilver buckle, which the proſecutor ſaid was his, I found it on the mantle piece concealed with ſome dirt over it.

(The buckle depoſed to by the proſecutor.)

I can ſwear this was among the plate taken out of my ſhop.

Newman. At Wilks's lodgings I found nothing, theſe four tickets were at the bottom of a box that was found at Mr. Royall's, they are price marks of two dozen ſpoons.

Proſecutor. They are my hand writing.

Mr. James. Who did the proſecutor give charge of to you?—Of young Foſgate.

Who do you mean by young Foſgate?——The brother of the priſoner at the bar.

Proſecutor. This box is mine, it was in my ſhop with plate, it was in my poſſeſſion the Saturday before, and there was a pin in the box very particular that I could ſwear to, it was in my poſſeſſion on Saturday.

JOHN HART *ſworn.*

I only know of the taking of Wilks this day fortnight at ſeven at night, I took him at the Roſe and French-horn in Wood-ſtreet; I found nothing upon him I was not at his lodgings.

Court to Proſecutor. Who is there here that proves theſe things were taken on the priſoners, or delivered up by them?——There is nobody in Court but myſelf who ſaw ſome of the things brought into the Mayor's office at Bath.

Court. That will not do, we do not know they were taken on the priſoner?—I have a letter from the Mayor at Bath.

Court. That will not do.

Proſecutor. Here is Royall the accomplice.

Court. That will not do, here is nothing to reach theſe people at preſent.

Court. Gentlemen of the Jury, we are very ſorry for it for the ſake of public juſtice, it is a great robbery, but here is a very material gap in the evidence.

BOTH NOT GUILTY.

Court to Priſoners. You have had the narroweſt eſcape I have known, and I repeat it to you, if you had been convicted, one of you would have been certainly executed, and the other tranſported for fourteen years; therefore let this be a very ſerious warning to you, and bleſs the humanity of the law; you ſee your lives are ſaved by that law you are trampling on every day.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

*** The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;
Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,
PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

171. BENJAMIN WEST was indicted for feloniouſly aſſaulting Hannah Day on the King's highway, on the 18th day of November laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one linen napkin, value 1s. and three pounds of mutton, value 3d. the property of Michael Deſchamps.

HANNAH DAY *ſworn.*

I am a ſingle woman, I live ſervant of all work with one Mr. Deſchamps, No. 15, in David-ſtreet, he is a French teacher, I have lived there almoſt a twelvemonth.

Did any thing happen to you on the 18th of December?——I was coming through Major Forbes's paſſage, Carnaby market, candles were lighted, and all the ſhops were open, there is a large linen-draper's; the priſoner came and looked in my face twice, but he never ſpoke to me, he did not meet me, but he puſhed me, he came from behind me, I was going home from towards David-ſtreet, I never ſaw him before that time; he was dreſſed in a kind of a drab-coloured coat, he had ſome ſplaſhes upon his face, there was ſomething black, more large than the other, but whether it was a mole or not I cannot ſay; he had a round hat on, it was not much drawn over his face, it was one of them that turn up, he only puſhed me and ſnatched the bundle, and run away, he puſhed me from him, and I ſaved myſelf from falling, the bundle was under my arm, I found it go, and I ſaid the man has got my bundle; a gentleman followed him and took him, he was out of my ſight a little while, he turned on the right hand of King-ſtreet.

You ſaw him after he was in King-ſtreet?——Yes.

Are you ſure from the view you had of him in the paſſage, that the man you ſaw was the ſame man?—The man that robbed me of the bundle was a little man, I am ſure it was the priſoner, the bundle was brought to me in King-ſtreet, it was my bundle.

WILLIAM PICKERING *ſworn.*

Between five and ſix I heard the cry of ſtop thief, I took the priſoner, and the proſecutrix came up and ſaid he was the man that robbed her; the priſoner ſaid it was the man that was with him, and not himſelf, which other man followed us to the magiſtrate, and I took him into cuſtody, and then the priſoner denied knowing the man.

Priſoner. I never ſaw the woman before in my life.

GUILTY.

Of ſtealing, but not violently from the perſon.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

172. WILLIAM MILLER was indicted for ſtealing on the 22d of October, eight tobacco ſtoppers, value 3s. the property of Anthony Andrews.

There being no evidence but the priſoner's confeſſion obtained under promiſes of favour, he was

ACQUITTED.

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173. NICHOLAS ENGLISH was indicted for ſtealing on the 28th of October laſt, twenty eight pounds of hair powder, value 14s. the property of William Crookſhanks and George Adams.

GUILTY,

Tranſported for ſeven years.

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174. HARRIOT ALLEN and MARY ALLEN were indicted for feloniouſly conveying on the 28th of November laſt, divers womens cloaths into the gaol of Newgate, to John Stockdale then under ſentence of tranſportation, being a diſguiſe proper to facilitate the eſcape of priſoners, with intent that the ſaid John Stockdale, might eſcape out of ſuch gaol, and by which means the ſaid John Stockdale attempted to make his eſcape out of the ſaid gaol.

Mr. Garrow, Counſel for the Priſoner, contended that it was not proved that the priſoners *conveyed* any thing into the gaol to Stockdale, but merely that they came into the gaol, and that afterwards one of the priſoners came to the gate with Stockdale, dreſſed in womens cloaths, and the charge being for *conveying* certain ſpecific articles, (particularly named in the indictment) into the ſaid gaol to Stockdale, the priſoners were

BOTH ACQUITTED.

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175. JAMES otherwiſe STEPHEN COX was indicted for ſtealing on the 2d of November, twenty-five pounds weight of leaden pipe, value 2s. belonging to Joſeph Wells, and fixed to his dwelling houſe.

A ſecond count for ſtealing on the ſame day, a ſaw, value 4s. 6d. the property of James Williams.

GUILTY.

Tranſported for ſeven years.

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176. WILLIAM WILD was indicted for ſtealing on the 10th of December, one bundle of ſteel bars, value 20s. the property of William Homer, and Alexander Raby.

GUILTY.

Whipped.

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177. WILLIAM HOW was indicted for ſtealing on the 8th of November, one pound and a quarter of Spaniſh wool, value 18d. the property of Mark Wayland.

A ſecond count, laying it to be the property of perſons unknown.

GUILTY.

Whipped.

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178. JOSEPH MARQUIS and JAMES KELLY were indicted for ſtealing on the 29th of November laſt, one iron grate to a cellar window, value 9s. the property of Thomas Priddle and Ralph Allen Mould.

BOTH GUILTY.

Privately whipped.

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179. EDWARD WRIGHT was indicted for ſtealing on the 27th of November laſt, one cane, value 2s. the property of Samuel Sanxter.

GUILTY.

Whipped.

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180. JOHN HALWAY was indicted for ſtealing on the 6th of December, one deal

deal box, value 6d. and twenty-four pounds of jar raiſins, value 20s. the property of John Butler.

GUILTY.

Whipped.

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181. JOHN EVANS was indicted for ſtealing on the 26th of October laſt, one linen handkerchief, value 10d. the property of John Bricknell.

GUILTY.

Whipped.

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182. JAMES MATTHEWS was indicted for ſtealing on the 2d of November laſt, one linen handkerchief, value 1s. the property of Edward Overton.

GUILTY.

Whipped.

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183. JOHN OSBORNE was indicted for ſtealing on the 14th of November, one pint pewter pot, value 12d. the property of Robert Jones.

GUILTY.

Privately whipped.

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184. JOHN TAYLOR was indicted for ſtealing on the 27th of November, one pair of ſheets, value 8s. the property of William Bolton.

GUILTY.

Whipped.

The preceding thirteen were tried by the third London Jury before Mr. RECORDER.

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185. NICHOLAS GREENWELL and ROBERT FREEMAN were indicted for that they, on the 22d day of November laſt, with force and arms, with a certain offenſive weapon called a piſtol, value 5s. which the ſaid Robert Freeman had and held in his right hand, in and upon James Sommerfield, felonioufly, malicioufly, and unlawfully did make an aſſault, and him on the King's highway, did in bodily fear put, with intent to ſteal his goods and money.

JAMES SOMMERFIEDD *ſworn.*

I am a drover; in November laſt, but I cannot tell the day, it was on a Monday, I was with three more going to Barnet, in a return chaiſe, the priſoner Freeman came to the ſide of the horſes, and preſented a piſtol to the poſt-boy, and ſaid if he did not ſtop, he would blow his brains out, I did not hear him aſk for any money, it was moon light, he had a light coloured coat on, I did not ſee his face, I did not ſee anybody on the other ſide of the chaiſe, I cannot ſwear to his face, the poſt-boy drove his horſes to the next publick houſe, and he purſued after them, and took them in about a quarter of an hour, I was not at the firſt taking them.

JAMES PLATT *ſworn.*

I am a drover, I was with the laſt witneſs, about nine at night, the chaiſe was not quite ſtopped, the boy kept going on.

How long had you been in ſleep?——Not at all.

Did not you fall aſleep in the chaiſe?—No Sir, we had not got a mile.

Who bid the poſt boy ſtop?——The priſoner Greenwell.

Which ſide was he?——The near ſide as we went from Highgate.

Did you ſee any arms?——I ſaw a ſtick that he had, I ſaw nothing elſe.

Was it a tuck end?—No point to it.

Did you ſee his face?——No I ſaw his dreſs, when he ſtopped us, the other came up by the ſide of the poſt-boy and bid him ſtop, he ſaid ſtop, damn you, or I'll blow your brains out; then the poſt-boy ſaid blow and be damned, and hit the horſes a good lick, and flew away from them, they did not aſk us for any thing, I know Freeman by his dreſs, we drove up to the houſe, about two or three hundred yards, then the poſt-

poſt-boy mounted his horſe, and bid us go on, and he would follow theſe men, and we found them hid in a place like a well, Freeman ſtruck at me, and I knocked him down, and there was a piſtol lay, and another man took it away.

Which of them was it you knocked down?——Freeman, I ſaw the piſtol taken from him, Greenwell was in the well alſo, he run away directly, and was taken ſoon after, Greenwell had a blue coat on; the other had a whitiſh coat on, they had both aprons on, we overtook them about a mile, I was ſure when I overtook them, they were the two men, they ſtood by the ſide of the well.

Were they laid down, or were they ſtanding up?——Rather ſtooping down, it is juſt cloſe by the path.

Mr. Chetwood, council for the priſoner Freeman. What time was this when you was in the chaiſe, when you was attacked by ſomebody?——About nine, as near as I can gueſs.

Was it light enough to diſtinguiſh one man's face from another?——I knew them by their dreſs.

Could you diſtinguiſh the colour of a man's coat at that time?—Yes.

Did you deſcribe what kind of cloaths, either of them had at the dirt houſe?——No.

Was not there a perſon on horſeback?——Yes.

Why could they not have got out of your way, ſo that you could not have overtaken them?—They could have got over the hedges, if they pleaſed.

Was it not a dark night?——No, it was moon light, Freeman came on my ſide.

FRANCIS ANNELL *ſworn.*

I was at the bar of the chaiſe, on the outſide, at this time the priſoner Greenfield, came firſt to my horſes heads with a ſtick, and attempted to ſtop me, and bid me ſtop, Freeman came up with a piſtol, and clapped it to my ſide, and ſaid damn you if you do not ſtop, I will blow your brains out; I ſaw their faces, I can ſwear to them, the priſoners are the men, Freeman had a cocked hat, the other had a flapped hat.

What ſort of cloaths had they?—Greenwell had a dark colour, and the other a light, Freeman had two coats on, he had a light colour drab on the outſide; I mounted my horſe and purſued, and overtook them, juſt going up Highgate-hill, I rode by them, and knew them, there were four in company, therefore I did not offer to ſtop them, I put up my horſe at the Bull, intending to meet them, I could not leave my horſe upon the road, I found them down in the well, by the old ſtore houſe; I did not ſee them ſearched.

Mr. Chetwood. There were four of them?——Yes.

Could you diſtinguiſh their faces, did you ſee either of them, as you rode?—Yes, I never ſpoke to them, I was three yards diſtance, I know them again.

EDMUND COLLEYBRIDGE *ſworn.*

I heard the cry, and came out to help him to take Freeman, he was out of the well, the well belongs to my garden.

Court. Is the well ſo much in the foot way, that a man, or two might walk into it by accident?——It lays very ugly, I ſuppoſe the well is about two feet lower than the foot path, there is a quick and walls, to prevent people getting into my garden.

Jury. Are there any rails between your well, and the foot path?——No.

EDWARD PRATT *ſworn.*

I was at the taking of Freeman, he was juſt by the well.

FRANCIS HUDNELL *ſworn.*

I helped to take Greenwell, juſt at the upper end of the old Storehouſe, I ſaw him in the well, with the other priſoner, but he made his eſcape, I overtook him, he had no fire arms upon him.

The priſoner Freeman called his maſter Mr. Wright, who gave him a very good character, and ſaid he worked with him till

he was taken up, and the foreman confirmed the ſame.

PRISONER GREENWELL'S DEFENCE.

I worked till nine that day, and then I went to ſee the fight; coming home Freeman overtook me, and coming to Highgate, we went to a ſpring well, and ſtopped to drink, and ſome men came up and took us.

Jury. Can you deſcribe the aprons?—One I took had a green linen or woollen, and the other, a black leather apron.

Which had the green one?—Freeman.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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186. ELIZABETH BURLEY was indicted for feloniouſly aſſaulting Chriſtopher Inge on the King's highway on the 7th of December, and putting him in fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one gold watch, value 10l. 10s. one compoſition ſeal ſet in gold, value 20s. the property of the ſaid Chriſtopher.

CHRISTOPHER INGE *ſworn.*

On the 7th of this month, I was out in the evening, and returning home about one in the morning, to where I live, which is in Chequer-court, Charing-croſs, at John's Coffee houſe, and in the middle of the paſſage to our own door I ſaw the priſoner ſtand; ſays ſhe, where are you going, I want to ſpeak to you; ſays I, I do not want to ſpeak toy ou, ſhe dropped her hand, and in half a moment ſhe had my watch out of my pocket; I felt my watch go by the chain, I held her faſt and called the watch, the watch came and the beadle took her, when I laid hold of her ſhe cried out murder! the watchman came up, and I ſaid take care of this woman; the beadle ſearched her and found the watch upon her, he found it under her arm as he told me; I never releaſed her till he came up.

Priſoner. Whether he did not give it me?——No.

JOHN ATKINSON *ſworn.*

I am beadle of St. Martin's, I was going my rounds about a quarter after one, on the 7th of this month, and I heard the call of watch, and the woman crying murder! I heard where the voice came from, and I found the proſecutor with his hat off having hold of a woman, and he charged her with robbing him; I directly laid hold of her too, ſhe ſaid, ſhe had no watch about her, I ſearched her and found the watch between her ſhift and her gown.

Look at that watch?——I do not know the maker's name nor number, the ſeal was a Wedgewood ſeal, nothing more than a chain and key.

ADAM LINSEY *ſworn.*

I am a watchman, I ſaw the watch taken out from under her left arm, as clear as I ſee your Lordſhip.

PRISONER's DEFENCE.

The proſecutor and I, and another young woman, were together about twelve, we went and had two pints of purl and ſome gin in it; he had but ſixpence, he ſpent it, then this man and I went up this court where he lives; he had only a bad ſhilling, I ſaid that was of no uſe to me, he ſaid, he would go home with me, and we went up that court and he gave me his watch, and afterwards he wanted his watch back, he tore my handkerchief, and I ſcratched his neck, I ſaid, I would ſooner go to the watch-houſe than deliver it, after he had uſed me ill.

GUILTY.

Of ſtealing, but not violently.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

187. DENNIS HAYES was indicted for that he, on the 2d of November laſt, on the King's highway, with a certain offenſive weapon and inſtrument, called a knife, on Abner Wyman, did make an aſſault, with intent his goods and monies, from his perſon and againſt his will, feloniouſly to ſteal, againſt the form of the ſtatute.

ABNER WYMAN *ſworn.*

The 2d of November I was coming from work, about half after nine I parted from my friend, and in about three parts of the way I was ſtopped by the priſoner, he caught at my watch chain, and another came up and damned me, and one of them cut me through the lips, but which of them cut me I cannot ſay; I was ſurpriſed, and I took notice of the perſon that took hold of my watch chain, there was a noiſe of a coach coming, and they made off, I cried out thieves! it was very near a lamp, but the night was neither dark nor light, it was about three parts from the turnpike, to Well Cloſe-ſquare on the road.

Are there many many houſes thereabouts?——Yes, it is a ſtreet, I purſued them about two hundred yards, and juſt as I got up there was a man ſaid, they are taken into this houſe, I went in and the landlord puſhed me out of doors, and ſaid, nobody came in there; I then went to Mr. Green's, and deſired they would ſend ſomebody out with me, but as I had not been robbed of any thing they would not, then I took a gentleman with me, and we ſaw the landlady, who ſaid, ſhe did not know us; and I ſtood in the tap room, the priſoner was there, and I went and laid hold of his collar, and ſaid, this is the man that ſtopped me firſt, he ſtood by the fire ſide; I am ſure that is the perſon that ſtopped me, becauſe I caught him for half a minute; when I had hold of his collar, he ſaid to me directly, it was not me that cut you, it was the other; a gentleman that was with me went for the conſtable, and the priſoner was taken into cuſtody.

Who was the perſon that was with you?—His name is Harkneſs, he is not here.

Priſoner. Did I offer to ſtop you?—He did not ſpeak to me, he took hold of my watch chain, and I took hold of his collar.

—— TAYLOR *ſworn.*

I am a conſtable, on the 12th of November I had charge of the priſoner at the bar, the priſoner ſaid to me, Mr. Taylor, it was not me that cut the gentleman, it was one Charles Younge, Charles Younge was taken up, and the proſecutor could not ſwear to Charles Younge, we took him before the Juſtice, and he owned he was the perſon.

Court. What public houſe was it?—The ſign of the Sailor's-return, in Cable-ſtreet, the landlord's name is John Martin, he has left the houſe, and is gone ſince, he kept out of the way in conſequence of this.

PRISONER's DEFENCE.

I never was in this place before.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Lord LOUGHBOROUGH.

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188. JONATHAN PAYNE was indicted for feloniouſly ſtealing on the 1ſt day of October laſt, one watch, with the inſide caſe made of ſilver, and the outſide caſe made of tortoiſeſhell, value 20s. and one ſilver boatſwain's call, value 5s. the property of John Robins.

JOHN ROBINS *ſworn.*

I am a ſilverſmith in the pariſh of St. George's, Middleſex; to my misfortune I know too much of the priſoner. I knew him a child in arms, I knew his father and mother before he was born; he came up from Briſtol, where his mother is, and brought a letter deſiring me to get him ſome employ; I took him into my houſe to bed and board for three weeks, and then got

got him to work at a ſhip, and gave him board; he abſented himſelf one day and ſaid he had been at Blackwall, I reproved him, he made no anſwer but went away; he got privately into the houſe and ſtole theſe things, then he run out backwards, and we purſued him and found him concealed in a court; the magiſtrate told him it would be better for him if he would confeſs, for which reaſon he confeſſed where he parted with the watch and the boatſwain's call, he firſt pawned the watch in Newgate-ſtreet, and afterwards ſold it out to the perſon he then lodged with.

Court. Who was the magiſtrate?——Mr. Juſtice Smith.

What did the magiſtrate mean by ſaying it would be better for him?——I cannot tell.

How did he explain that?——I do not know.

Where was it that the watch was pawned?——In Newgate-ſtreet, at Mr. Fleming's, it was ſold to one Stokes, the man is here.

Court. Send for the pawn-broker.

Proſecutor. I ſtand before your Lordſhip in a double capacity, firſt as proſecutor, next as a friend to the priſoner; ſo far from wanting to take his life, I wiſh to ſave it; the indictment was found againſt him yeſterday was ſe'nnight, he is a native of the iſland of St. Helena, I went to the Eaſt-India houſe and drew up a petition to get him ſent there; they could not do that, but ſaid they were agreeable to ſend him to Bencoolen.

Court. We muſt firſt diſpoſe of him here according to law.

JOSEPH STOKES *ſworn.*

I did not know the priſoner till he came to lodge where I do, at No. 60, Lower Thames-ſtreet, at Mr. Weſt's; when he came there firſt he had a watch and money in his pocket, and he ſtaid there till he ſpent his money, and pawned his watch at Mr. Fleming's for ſixteen ſhillings; he came to aſk me for work at the water ſide, he ſaid he had pawned his watch, and would ſell it out and out, and he aſked me to buy it; I aſked him if it was his own property, he ſaid he had loſt the duplicate; accordingly he went to the Juſtice's, and took an oath that he had pawned this watch for ſixteen ſhillings, and that it was his own property; the watch ſtood me in one guinea altogether, he was in a ſailor's dreſs, the watch was pawned in the name of John Jones.

(The watch depoſed to.)

Proſecutor. It is a watch that came to me to be repaired.

Was it in your ſhop?——Yes.

The PAWNBROKER *ſworn.*

I live with Mr. Street at Wapping, this was brought to our ſhop about a month before the priſoner was taken up, he had a blue jacket on then; I never ſaw him before, but I knew him directly.

Proſecutor. I cannot ſwear to the caſe, but I believe it to be the ſame.

Court. Had you ſuch a one in your ſhop?——Yes.

Priſoner. I have nothing to ſay.

GUILTY.

Tranſported for ſeven years.

He was humbly recommended to mercy.

Tried by the firſt Middleſex Jury, before LORD LOUGHBOROUGH.

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189. SUSANNAH HADD was indicted for feloniouſly ſtealing on the 6th of November laſt, one pound of bacon, value 6d. and ſeven pounds of Cheſhire cheeſe, value 2s. the property of Thomas Jones.

And MARTHA WADMORE was indicted for feloniouſly receiving on the 7th of November laſt, ſeven pounds of cheeſe, part of the ſaid goods, knowing them to have been ſtolen.

And MARY MIDDLETON was alſo indicted for feloniouſly receiving on the ſame day, one pound weight of bacon, value 6d. other part of the ſaid goods, knowing them to have been ſtolen.

THOMAS

THOMAS JONES *ſworn.*

I live at Hammerſmith, I am a cheeſemonger; on the 6th of November I heard a noiſe in the maid's bed room, I went in and could not ſee any thing, at laſt I put my foot on the bedſtead and raiſed myſelf up, and upon the top of a large ſafe which ſtands in a paſſage and bulges out of the bed-room, there was a large piece of Cheſhire cheeſe; I went out of the room immediately, and acquainted Mrs. Jones with what I had ſeen, and ſhe adviſed me to take it back; I ſaid I would not, I would mark it, and when I had occaſion to ſend the maid out, I would ſet a watch to ſee who took it away, and accordingly I marked it, to be able to ſwear to it; on the morning I informed my young man, and deſired him to go with me; the next morning when we were going to church, I deſired this young man to watch, I took the young man to ſhew him the cheeſe and the mark, then there was a piece of bacon added to it, I marked the bacon before the young man; it appeared to me to be about four or five pounds, I gueſſed it to be, I expected it would be taken away while we were at church; when we came home he informed me, and I applied for a ſearch warrant, and found a piece of bacon boiling in a pot in Mary Middleton's apartments, that was on the ſame day, and there was that corner of the bacon that I had marked; we took the bacon and the woman, when we found that piece we did not ſearch for any more; we went to Mrs. Martha Wadmore, and in her houſe we found a piece of Cheſhire cheeſe on the dreſſer covered up; that piece of cheeſe was marked with an iron, with a croſs at the bottom of it; we brought away the woman and the cheeſe.

JAMES HARROW *ſworn.*

I am a conſtable, I live at Hammerſmith, I went with a ſearch warrant and found the cheeſe in the priſoner Wadmore's houſe, and the bacon in Mary Middleton's, in a pot boiling upon the fire.

WILLIAM PURCHASE *ſworn.*

On the 7th of November, which was Sunday, my maſter ſhewed me ſome cheeſe, and ſome bacon in the maid's room, and he took the rind and ſlipped it from the fat, my maſter and miſtreſs went to church, I waited at home to ſee who came, and in about a quarter of an hour Mary Middleton came to the back door to the ſervant, and ſhe and another man ſervant went to play and talk together, and juſt as they were talking together, the ſervant ſaid to Middleton, come here, I want you, and Middleton did not care to go, and ſhe ſaid again, I want you, and ſhe went up to her room, ſhe went away afterwards; when they came back Middleton came in by my ſide, and her right hand pocket ſeemed a little fuller than her left, then ſhe let Middleton out, then Wadmore came in with a baſket, and there was the maid and me in the room, and ſhe came down by my ſide, and ſhe looked up at the ſervant, but whether they ſpoke I do not know, and the ſervant went away towards her room, and Wadmore followed her; then I went out of the back door, I did not ſtop but a few minutes, and ſhe came out again with a baſket.

Can you ſwear to either the cheeſe or the bacon?——There was a croſs upon it.

(The cheeſe ſhewn him.)

Jury. Did you never ſee ſuch a mark before upon a bit of cheeſe?—Yes, we generally mark our cheeſe in that way.

Do the other cheeſemongers?——Yes, generally.

Then how can you tell that piece was not cut out of another cheeſe that was marked ſo?—It is not poſſible, that is the ſame cheeſe.

Suppoſe another piece of cheeſe had been produced to you that was croſſed with a cheeſe iron, how would you know the difference?—When we mark a cheeſe we generally mark the ſtroke longer.

(The cheeſe ſhewn to the proſecutor.)

Proſecutor.

Profecutor. I am poſitive that is the cheeſe and the mark.

Court. Look at the bacon, can you ſwear to the bacon?—Yes, *I am as ſure of the bacon as of the cheeſe.*

Jones. I am ſure I know the bacon as well as I know the cheeſe.

Jury. Why this rind of bacon is drawn up all round, and you ſay only at one corner, did you find the other part that was not boiled?—No, Sir.

Priſoner Hadd. I have nothing at all to ſay, I have people to ſpeak to my character.

Priſoner Wadmore. I know nothing at all about it, I have people to ſpeak to my character.

Priſoner Middleton. I know nothing at all about it, I have people to ſpeak to my character.

The priſoner Hadd called four witneſſes, who all gave her a very good character.

The priſoner Wadmore called five witneſſes, who all gave her a very good character.

The priſoner Middleton called two witneſſes, who gave her a very good character.

ALL THREE NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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190. ROBERT MITCHELL was indicted for feloniouſly aſſaulting, on the King's highway, Simon Sheppard, on the 22d of October laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will one half guinea, value 10s. 6d. and 6s. in monies numbered, his monies.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Council.

SIMON SHEPPARD *ſworn.*

I live in Downing-ſtreet, Piccadilly, I was going to work about a quarter before two, I went out and locked the door, thinking no harm, the priſoner and two others came and threw me down to the ground, and robbed me of ſixteen ſhillings and ſixpence; Mitchell, as ſoon as I had locked my doors and three others, attacked me, one took my money out of my pocket, and the other held me down to the ground.

What money did you loſe?——Half a guinea, one ſhilling, and two half crowns, I know I had the money in my pocket, they had no weapons, I cried out, and the priſoner Mitchell wanted to murder me.

How do you mean?——He cried out, kill the old buggerer, kill him, three times.

But he had no weapon to kill you with?——He was going to take a knife out of his pocket, and the neighbours got up, and cried out of their windows, for ſhame; there were many neighbours.

Did he take out his knife?—He had got his knife in his hand, and would have done it, if it had not been for the neighbours, who cried out for ſhame, and begged him to have mercy upon me; I am ſure he had a knife out, I ſaw it.

When the neighbours cried out, what became of them?——They ran off, they were with me the ſpace of half an hour.

What were they doing all that time?—They were dragging me about the yard, and beating me like a dog, as I had no more for them, and knocked my teeth out of my head.

How many teeth did they knock out?—One.

Was it half an hour before you could alarm any body with your cries to get any aſſiſtance?——Yes.

Did you make any reſiſtance all this time?——I begged for mercy, I fought and ſtruggled as much as I could; when they ran away, I went to my neighbours, and told them what accident I had met with; they were taken up the ſame morning out of their beds; I told them who to take, I knew them both from children.

And they knew you well enough too?—Yes.

You

You knew where they lived?——Yes.

And they knew that you knew where they lived?——Yes.

What did they firſt ſay to you when they attacked you?—They ſaid nothing to me till they got me down to the ground.

How far did they live from you?—About twenty or thirty yards, one of them did; and the other lived further off.

What are they?——One was a lamplighter, the other uſed to mangle for people, and uſed to carry burthens.

What time had you gone to bed that night?——About ſeven.

So theſe people that knew you ſo well, and knew that you knew them ſo well, robbed you and went home to their beds: did you loſe any thing elſe but money?——No.

Had you any watch?——No, I had nothing but money; when they were taken up they ſaid they knew nothing about it, they were not concerned in it, they denied being there.

Was it a light night?——It was a very good ſtar-light.

Any lamps near?——Yes.

Could the neighbours ſee them as well as you from the windows?—Yes.

It was at the beginning of this ſtruggle that they got the money from you?——Yes.

That was before the neighbours were alarmed?——Yes.

So all that the neighbours ſaw, was them and you ſtruggling and fighting?——Yes.

What did you cry out, when you did cry out?——I cried out, pray Bob, do not murder me, have mercy upon me.

You called him by his name?—Yes.

What words did you uſe?—I cried out, murder.

What did you firſt ſay to the neighbours?——I told them, that Bob Mitchell and John Lucas had robbed me of ſo much money before they came down.

What did the two men ſay?——They made off as faſt as they could, I did not know the third man.

Mr. Garrow, Priſoner's Council. Here my old friend, a word with you; ſo they beat you for half an hour?—They beat me like a dog.

Was it with a knife that they beat you?——No, with their fiſts, and kicked me with his foot, he knocked out my teeth with the toe of his ſhoe; one tooth, Sir.

What ſort of a knife had he?—A long ſnig-a-ſnee knife, a ſpring knife.

He took it out deliberately, and opened it before all the people?—Not before all the people, but before the people in the yard.

How long might theſe people be looking out of their windows?——Ten or a dozen minutes.

They made ſuch a noiſe, that the people were waked out of their beds?—Yes.

What, they threw up their ſaſhes, and called out, have mercy on the poor old man, do not kill him?—Yes.

Then they ſaw theſe lads kicking you in this unmerciful way, as if you was a dog?—Yes.

How often have you had the misfortune to be robbed in your life?——Four or five times.

So I thought: how often have you been a witneſs here of robberies on your own perſon?—Two times.

How many of the people you have proſecuted have died in Newgate?——Only one.

Upon an average, how many proſecutions had you in the courſe of the laſt two years?——One before this.

They have been both within the year?—Yes.

Did you convict the laſt man?——Yes.

What did you get for it?—I cannot tell, I got nothing at all.

Upon your oath, Sir, what did you get, do not you remember that was added to the ſtock of ſixty you had before?—Pleaſe you, my Lord, only my expences.

Court. How happened that?—I do not know.

What was his name?——Joſeph Baker, he died in Newgate, I had no more than my expences,

expences, he was indicted for privately robbing me, he took forty-ſix pounds.

Do you mean to ſwear you had no more allowed you but your expences?——Lucas is dead.

Mr. Garrow. Then you will not get above forty if you convict now, my old friend, you will not get eighty this time?——No.

That is unlucky; you will not be able to make up eighty this go; what are you thunder-ſtruck?—No.

Have not you a word for me now?

WILLIAM WARREN *ſworn.*

I live in Downing-ſtreet, Piccadilly, I keep two houſes, I am ſometimes in one, ſometimes in the other, on the 22d of October, I heard Sheppard had been robbed, he told me the man, I went to the priſoner's door, his mother denied letting me in, I told her I would come in, ſhe told me he was not there, I ſearched round the room, I found him on the other ſide the bed.

Was he aſleep?—I do not know, I think he could not, ſo much as I rattled and knocked to get in, I took Lucas the ſame morning at work.

Mr. Garrow. Have you two houſes?—I have one houſe in Park-lane, and the other in Downing-ſtreet.

Have you two trades too?——No.

This old man, your friend the proſecutor, has been robbed before by one Baker?——I was witneſs for him, he died in gaol.

How much was you allowed for your appearance?—Fifteen ſhillings, the old gentleman had one and twenty ſhillings.

What buſineſs are you?——I keep carts and horſes.

A few jockey carts, I take it for granted?——No, I keep all ſorts.

A few of the handy poultry carts, that take a trip now and then?—I do not know what you mean.

What buſineſs is your old friend?——A milk-man, he works among the cows.

He has been robbed of a large quantity of money?——He has been robbed different times.

In what way does he live?—He lodges at a houſe of Mr. Litchfield's, I have known him ſixteen or ſeventeen years, I am a conſtable.

How long?—Theſe four years.

A ſort of ſtanding conſtable?——It is a troubleſome office.

What ſhop do you attend?—I attend no ſhop as I know of in particular, I go where I pleaſe.

PETER HOBSON *ſworn.*

Where do you live?—I live with William Litchfield, in an out-houſe, I ſleep in the ſame bed with Sheppard.

Are you any relation to Sheppard?—No; I was in bed with Mr. Sheppard, I did not hear him get up from me, I heard ſomebody cry out, I could not tell who it was, I put my hand out, and I found he was gone; I heard him cry out murder, I knew his tongue, I thought ſomebody was robbing him, and I got up directly.

How came you to think that?—Becauſe he had been robbed ſo many times.

Then he made a practice of being robbed?—I do not know any thing of that; I went down into the neceſſary, and there was a large hole through the boards into a back place into the yard; I came down out of the place, there is a little door that falls down, and a wooden ladder that lets down, I lifted the door up, it is never locked.

Is there any other door to the room?—No, only what goes into the back room, and I ſaw three men upon Simon, but I could not tell who they were juſtly; the priſoner turned himſelf round cloſe to me, I could have touched him with my hand through the hole; then I ſaw it was him, knowing him ſo long before, he lives in that neighbourhood, and is well known there, I have known him almoſt a twelvemonth; and Simon Sheppard begged mercy on him, and called him by his name, and Robert Mitchell made anſwer to him when he cried

for

for mercy, ſays he, damn him, an old buggerer, kill him, kill him, kill him, three times.

Did you underſtand by their talk what they had quarrelled about?—No, I could not, they ran away directly after they had made that anſwer.

Had you time enough to ſee who they were?—Yes.

Are you ſure of that; how long might you ſtand looking?—I think about four or five minutes.

Then when your friend and bedfellow was crying murder, and three men upon him, you ſtood looking at them till they ran away?—Yes.

What became of you after?——Simon went to his buſineſs, and I went to bed again, I could not get out any where, becauſe I was locked in.

How were you locked in?—I could not get into the ſtreet no way.

Was this in the yard?——It is a ſtreet, becauſe there is no gateway to ſtop any perſon going up.

What hindered you from getting out?—Becauſe after he came out of his own room at the back door, he locked it after him.

Where does this ladder come down to?——It comes down, by lifting up the trap door, it comes upon the ground, the back place from the dwelling houſe.

How is that ſurrounded?—It is behind the dwelling houſe, going into a back opening, and there is a door from the little yard into the other yard.

Did you try that door?—Yes, I wanted to get out to help him.

Did you call to him?——No; when I ſaw him in that ſituation I was afraid, for fear they ſhould break in, the boards were very thin.

Mr. Garrow. I ſuppoſe it was the piſtol that Lucas had that frightened you?——I ſaw no piſtol at all.

What ſort of piſtol had the priſoner?—I ſaw none.

If he had had one, you muſt have ſeen it, if he had beat Simon's eyes about; what was it he beat Simon's tooth out with?——I do not know, I did not ſee.

Which of his eyes was it that was ſo black and blue?—It was the right eye, that was the only thing he complained of.

His right eye was very much ſwelled?—Very much, and all ſcratched down the right cheek.

How long had you and Simon been bedfellows?——About a week or ten days.

What ſort of lodging is this?——It is very well for ſuch as we.

What buſineſs may you be?——I am a groom when I am in buſineſs.

What are you when you are not a groom?——I draw beer for Litchfield: this is not a hay-loft, it has a bed in it, but I have ſeen many a better hay-loft.

Simon is worth a good deal of money?—I do not know.

He gets up early?——He always gets up about that time.

They had nothing but a pitch-fork?——I ſaw none.

Is not that honeſt man, Mr. Warren, what they call a running duſtman?—Sometime he is.

MARY BUSKIN *ſworn.*

What are you?——I go out a waſhing and cleaning, I live in Downing-ſtreet, I happened to hear Sheppard cry out murder, ſeveral times, and I called out to him, and he ſaid it was Bob Mitchell, and Jack Lucas were robbing and murdering him, and I told him I was coming down to him, I ſaw no more, and they run away; after they run away, I ſaw one man by the glimpſe of the lamp, having light cloaths, I ſaw Simon after it was done, I ſaw them have no piſtol.

Mr. Garrow. Which of Simon's hands was ſo cut?——I did not ſee, he complained he was cut in the face, and his eye beat all to pieces, and his face all over blood.

Do you know the other good looking lad, that was at this man's maſter's?——I know nothing of him.

Was not he to have been taken up for

the robbery, till he found out this lad?—I do not know.

How much of the reward did you expect?——I expected to be paid for my trouble, for I have been ſeven days out of work.

PRISONER's DEFENCE.

I was in bed the ſame time the robbery was done, our landlady was here to day at two o'clock, I do not know whether ſhe is here now or not.

ANN FREEMAN *ſworn.*

I have known the priſoner about ten years, I never heard any thing amiſs of him, till this time, he would have taken out a warrant for theſe two boys at the time that Baker was taken; he ſaid in the morning he would go and fetch a warrant for Robert Mitchell, Jack Lucas and Jack Palmer; Baker was convicted, and died in gaol; I begged of him to be merciful and careful, before he took up the lads, I aſked him who laid with him, he ſaid Baker, then I ſaid you had better look to him.

Where does this lad live?——In May's Buildings, cloſe by.

JOHN DARKNELL *ſworn.*

I live in Downing-ſtreet, I have known the old man a good while.

Who did he ſay robbed him?——Firſt me and my brother and John Lucas, and Robert Mitchell, he was going to take us up, if we had not found Baker.

Do you know the lad?——He is a hard working honeſt lad, he is a lamp-lighter by trade, Mr. Freeman told me he was going to take me up.

Did Simon ever tell you ſo?——No, he never accuſed me of it, he accuſed my brother of another thing.

Did he ever accuſe you of the robbery that Baker was convicted of?——No.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

191. ROBERT JONES was indicted for feloniouſly ſtealing, on the 1ſt day of December, four live pigs, value 40s. one live ſow, value 20s. the property of Edward Moſs.

EDWARD MOSS *ſworn.*

I live in Hangers-lane, Stamford-hill, I am a Farmer and Butcher, I loſt four pigs, they were three ſow pigs, and one barrow pig, and a ſow; the ſow pig was taken out of the yard, I ſaw them the ſame afternoon, before they were taken, I believe they were taken in the night time, I found them again at Mr. Iſaac's houſe.

——PARTRIDGE *ſworn.*

I work with the proſecutor, I remember the time the pigs were miſſing, I had ſeen them there the night before, and I miſſed them the next morning between nine and ten, as ſoon as we heard of this, we tried to track them, and we traced them down a lane, by a man's foot, near three miles to Devals-lane, they went directly to the houſe of the priſoner; Stephen Johnſon the officer found them, we tried to track them out of the fore gates, but we could not, there had been a horſe and cart gone out and we ſuſpected they had gone out in that cart, then we went up to London, for a Juſtice, and we found them in a ſhed, where they were concealed, we could not ſee them without we opened the door, the place appeared ſomething like a pig-ſty, we drove them to Mr. Iſaac's houſe, about two miles from the place, Iſaacs, is a conſtable, we ſaw the priſoner coming, a little diſtance from his home, and almoſt the ſame inſtant, the ſervant maid came out, to ſhew us where the pigs were.

Mr. Silveſter, Priſoner's Councel, to Proſecutor. When were theſe pigs loſt?—Between the 30th of November, and the 1ſt of December, I ſaw them about five, on the 30th, and I think they were gone in night.

——JOHNSON *ſworn.*

I went to look after theſe pigs, and I ſaw a man's foot ſtep in the pen, and I traced

traced them all the way to where I found them in the yard, we traced the man's foot in the ſty, and he muſt have got in, to have opened the door, they were fattening pigs, I ſaw a little ſty, and I made up to it, and there I ſaw ſomething white, and there was a little partition at the far end, it appeared to be a pig-ſty; the firſt part of it was light, but the other was dark, I raiſed them, and found they were pigs; this was between three and four in the afternoon, there were four pigs, and I ſaw the ſow, I knew her perfectly well, being in our yard very often, and having her ears torn by the dogs, I have been long acquainted with her, I ſaw the priſoner coming home, and ſomebody ſaid it was Mr. Jones coming, I cannot poſitively ſay who it was.

Mr. Silveſter. Have not you ſeen the ears of other pigs torn?——Yes, it is a common caſe.

The priſoner was not at home?——No.

Somebody ſaid he was coming?—Yes: I really believe it was the proſecutor's ſow, I have no doubt of it, I have known her from a little pig, ſhe belonged to my neighbour.

THOMAS ISAACS *ſworn.*

I live at the Angel, in Clerkenwell-cloſe, I am a publican and conſtable, I went to apprehend the priſoner, at the deſire of Partridge, and I underſtood it was Mr. Jones's houſe, they were at the end of a low houſe, or ſtable, penned up in a place like a pig-ſty.

Was there any trough to feed them?—I did not take notice.

Johnſon. I did not obſerve any thing of the kind, I did not look particularly.

Iſaacs. I then enquired for Mr. Jones, and the boy or the maid ſervant ſaid, here is my Father coming, I went and told him I had a ſearch warrant againſt him, and took him before a Magiſtrate, and he was committed, Jones ſaid he did not know any thing of them.

PRISONER's DEFENCE.

On the 30th of November, in the evening, I happened to be out very late at a public-houſe, which I very ſeldom go to, I was out till paſt eleven, and pretty much in liquor, I went home as faſt as poſſible, and went to bed, my houſe-keeper brought my young child, who always lays with me, in the courſe of the night, the child cried, and ſhe came again to ſee what was the matter with him, I fell aſleep, and knew no more till about ſix I waked, and called for Hannah Bailey, to call my eldeſt ſon to get a pound of cart-greaſe; about eight I got up, and went to London a little before nine, I went to ſeveral places, and came home with the man at the ſluice houſe, I ſaw two or three people at my houſe, but I did not know who they were, the firſt man I ſaw was Iſaacs, who met me before I got home, he ſaid you are my priſoner, what for, ſays I, ſays he I will let you know what is the matter, and he ſhook me very roughly, I told him I had not been at home all day, the night before I happened to ſtay out late, and went to bed as I told you; I know nothing of them, the pigs were not there with my own will, I went out in the morning.

JOSEPH LAWSON *ſworn.*

I live at the Red Lion, at Holloway, I have known the priſoner many years, on the 30th of November, he was at my houſe till half after eleven, he came in at half after eight, I know it becauſe the patrol of Sir Sampſon Wright came into my houſe that night.

What is the man's character?——I never heard any bad character of him, but a hard working honeſt man, he keeps a boar, a very good one, and has for ſome time, he bred the boar I believe, a great many people ſend their ſows there, and ſometimes they ſend the boar to people's houſes, and leave him for a day or two.

HANNAH BAILEY *ſworn.*

I am ſervant to Mr. Jones, my maſter came home at night between eleven and twelve, and went to bed; I took the child

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and put to bed to him; he was undreſſed, and his cloaths upon the bed, when I went in, and at three the child wanted to get up, and he called me up, he was then in bed, and his cloaths on the bed; at ſix he called me to call his ſon up, to go to Iſlington for a pound of cart-greaſe, and I got the breakfaſt ready about eight, and he got up and breakfaſted, and about half after nine or ten he ſet off for London; after he was gone there was a ſow and pigs came into the yard, I thought they were Mr. Bonnick's pigs, as he had a ſow there the week before, and was angry with me about the ſhilling I had for every ſow that comes to the hog; I did not ſee any more till about four in the evening, then there came three men and aſked me if that was Mr. Robert Jones's, I ſaid yes, they aſked if I was his wife, I ſaid no; they aſked who was his wife, I told him he had none; they aſked if them was his children, I ſaid yes, the children ſtood by the fire ſide, and one pulled a paper out of his pocket, and ſaid I come to ſearch the houſe for ſome hogs, the eldeſt ſon ſaid I will go and ſhew you them, and the young ſon about eleven, went out and ſaid here is my daddy a coming, with that the officer took Mr. Jones, the other boy went out to ſhew them the pigs, but the men had got there firſt, and opened the door, the man Johnſon went to the ſty, and drove the pigs out, the door was not locked, he got to the door before the boy.

Where was the boar when they came?——In the yard.

What aged child was this you put to bed to Mr. Jones?—Three years old the 10th of December.

Where was the child when Mr. Jones came home?—In bed with the reſt of the children.

Why did you take it out?——It was always ailing, it will never lay with any body ſince his mother died, but its father, it lays with Mr. Jones every night.

Where do you lay?——I lay in the next room, there are four rooms on a floor, I can hear him if he knocks againſt the wainſcot.

Jury. Has Mr. Jones any pigs of his own there?—Yes, three ſows and a boar.

Court. Then from three you heard nothing of him till he called you up at ſix?——No.

What time do you think the pigs came in?——About half after nine, as nigh as I can gueſs, they came out of Mr. Thompſon's field together into the yard, I did not ſee any body with them.

Does that field join to the yard?—Yes, one gate comes into the yard, and another gate goes on the common.

Recollect a little, are you ſure you told them that was Mr. Jones's houſe, the firſt queſtion they aſked you?——Yes ſir, they aſked me if it was Mr. Robert Jones's houſe, and I told them yes.

You are ſure you did not mention any other perſon's name but Mr. Jones's?—No.

Then you did not ſay that you knew nothing of any pigs?——I did not.

You ſaw thoſe pigs in the yard for ſome time, can you deſcribe them?——They were ſpotted pigs, ſo were Mr. Bonnick's.

Was the ſow ſpotted?——It was a little white ſow, the very picture of Mr. Bonnick's.

Jury. Had Mr. Moſs's ſow ever been down to your boar before?——Not to my knowledge.

Court. Is there a common road that leads into this yard?——There is a gate opens from the Common, that comes from Hornſey, and Crouch-end.

Lawſon. This houſe is upon the Common, and there is a road goes right along, takes you to Hornſey, or Crouch-end, or any way, there are many different lanes, and you may ride up, and drive a cart in Summer time, but in Winter it is a naſty dirty road.

Court. Is this any direct road, that goes from Moſs's to Jones's?——A common road, I have been there with a cart.

Does that common road go through Mr. Thompſon's piece?——You have no call except you go through Jones's yard, ſometimes the fences are down, there is no road through Mr. Thompſon's field, they have a road that they have made themſelves, that is for their own private uſe, but they let a friend or a gentleman ride up.

Jury

Jury to Bailey. You ſay your maſter went to the publick houſe, between ſeven and eight in the evening, where was he before that?—He was at home, and drank tea at five.

Was he at home from five to ſeven?—Yes.

WILLIAM MATHEWS *ſworn.*

I live at Iſlington, I ſaw the priſoner that morning about ten, he was at my houſe.

How long have you known him?——About ſeven years, he has a very good character, I have truſted him with many hundred pounds worth of goods, and he always brought me a juſt account; I gave him ſome orders and he went to London, and he returned home in the afternoon about four.

THOMAS CROOK *ſworn.*

I have known him three years, a very honeſt induſtrious man, and always brought up his family decent; I keep the three Nightingales, at Hornſey.

WILLIAM HUSON *ſworn.*

I am a grocer in Newgate-ſtreet, I have known the priſoner three or four years, I looked upon him as a very honeſt man, he has had great opportunities in my ſhop and warehouſe, I have often truſted him, and ſhould not heſitate to ſend out goods by him at any time; I look upon him as a very reſpectable character.

Jury. Did you truſt him alone in your ſhop and warehouſe?—Yes, always, I never took the leaſt account, he might go where he pleaſed; he keeps a little cart, and has carried goods from my houſe to Mr. Matthews for ſeveral years, and for people in Oxford-road.

Court to Moſs. What time was it in the morning you miſſed your pigs?——About nine or ten.

You had not been at your ſty before?—No, nor none of my people that are here, I did not track them myſelf, but as to the place they were tracked to, there never was ſuch a place ſeen in the world.

Court to Partridge. How did you track theſe pigs?—By the foot in the lanes, and roads by the back lanes, that goes from Hornſey-houſe.

Were they ever out of the lanes?—No, not till they came to Mr. Jones's houſe, they turned out within three fields of Mr. Jones's houſe.

What three fields were theſe?——Graſs fields.

But there is a road that goes all the way up to Jones's houſe?——None that I know of.

Do you know Thompſon's fields?—No.

Is there a gate out of that field, into Jones's yard?——Yes.

Did they come through that gate into Jones's yard?——Yes, through the fields, and in at that gate that goes into Jones's yard.

What ſort of partition or gates are there between the firſt field, and the three fields?—I believe in every one there was a gate.

Were the gates ſhut or open?——They were all ſhut, I cannot ſay the firſt gate was faſtened, but we were obliged to get over that.

Did you trace them through theſe fields, are you ſure that the pigs went through that gate that was faſtened?——Yes, I am ſure, of that.

Are you ſure they went through the other gate that was ſhut?——Yes, I am ſure of that.

Jury. Were there no gaps out of the lane into the field?—None, that I could ſee, there was a large ditch between the road and the field.

Court. You have told us that you traced the man's foot with the pigs, as far as you traced the pigs?—Yes, from the very ſty where we traced the pigs, we could ſee where the man walked up to open the gate, to let the pigs in.

Was it wet weather at the time?—Yes, our watchman at paſt four o'clock, cried a rainy morning.

Court. You mean that gate into the yard?——Yes.

And you are very poſitive they went through all the gates?——Yes, the man muſt have got over, and opened the gate to let the pigs in.

Was you near enough, when any body enquired of the woman, whether Mr. Jones lived there?——Yes.

Did you go up to the woman Hannah Bailey?——I went into the paſſage adjoining, and ſtood as nigh as I am to this table, ſhe ſaid, yes.

Did they aſk about any pigs?——Yes, the officer aſked her about ſome pigs, after a little diſcourſe, ſhe ſaid, ſhe had none at all, only three ſows and a boar, and ſhe ſaid, they were upon the common.

Are you ſure of that?—Yes, ſhe knew none elſe.

Court. She ſaid they were on the common?—Yes.

You were there at the time Johnſon found theſe pigs?——Yes.

Did any body go to ſhew Johnſon where theſe pigs were?—No, I am ſure of that, becauſe we were all in the houſe talking to the woman, when Johnſon went out and found them unknown to any body.

How many were there in the houſe?—I cannot poſitively ſay; there were ſome children, and the woman, and Mr. Iſaacs and myſelf.

Was there any body there beſides?——Not as I ſaw, I did not hear the little boy ſay, there is my daddy.

Mr. Silveſter. Did you ſee a lad there about eighteen or nineteen?——Yes.

Did you ſee him go out in the yard?—Yes, after we had found the pigs, the boy of nineteen was in the houſe, and he was going to ſhew Mr. Iſaacs where the pigs commonly lodged; and as we were coming out of the houſe together, they ſaw Mr. Jones coming up, he was juſt come out of the door, Mr. Iſaacs, and I, and the boy, with the woman with a child in her arms, in order to ſhew where the hogs generally were.

Court to Johnſtone. Recollect yourſelf, and take care you do not miſtake, you told us you traced the hogs, and you yourſelf got into the ſty?—Yes, and I ſaw a man's foot in the ſty.

Then you found the track of the pigs, with the other man Partridge?——I did.

Did you ſee the track of the man all the time that you tracked the pigs?—In general, I did not look every ſtep.

Did you ever ſee the track of the pigs and take notice of them, without ſeeing the track of the man?—No.

You are ſure of that?——Yes.

How far did theſe pigs go in lanes?——The ſpace of three miles, as near as I can gueſs.

Where did they go then?—They turned into a graſs-field, through a gate that led out of the lane.

Was there any road there?——None at all, it was as much as we could do to track them there; we could not do it but here and there a place, and there we tracked them exactly the man's feet and hogs, and the gate ſhut again, and we made away from gateway to gateway, thinking they muſt drive them through the gates, and we found them at every gateway.

How many gates were there?——From the firſt to the laſt, I believe there were four.

How were they firſt got out of the lane?——I cannot poſſibly ſay, we looked and got over the gate, they had gone through.

How was that gate faſtened?—I cannot ſay as we knew they were gone through there, we made directly after them.

How was it faſtened, was it looked?—I cannot ſay.

Were all the gates ſhut?—All put to, ſome of them had only a bit of wood, I believe no faſtening.

Did the gates open towards the field, or towards the yard?——I cannot ſay, there are three fields and four gates, one going out of the road, and one going into the yard.

Do theſe gates lay pretty near in a line towards

towards the yard?——All leaning in a line towards the yard.

Could the hogs have got under the gateway, from the lane into the firſt field?—No, I do not think they could.

Court to Partridge. What do you ſay to that?——I do not think they could, one was too big.

Court to Lawſon. Could the ſow get under the gate?—I think it was impoſſible.

You heard nothing that paſſed between the woman and the officer?—Only this, we made enquiry if that was Mr. Jones's, ſhe ſaid, yes, he is gone to town, then I directly turned out of the houſe, and went to make ſearch after the pigs, and found them; I heard no other converſation.

Mr. Silveſter to Johnſon. The only tracks that you found was it at different gates?—No, there was only one track over the gates.

Court to Lawſon. This firſt field opens firſt into the lane?——The two firſt fields adjoin to Mr. Thompſon's, beſides another gentleman's; ſometimes the gates are all thrown open to go all over the farm, becauſe Mr. Thompſon is taking in droves both bullocks and ſheep; Jones rents this place of Thompſon.

Then Jones has the liberty of driving any thing not to do damage?——Yes.

The graſs is over the ſhoes in different places?——It has been a growing ſeaſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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192. THOMAS LUCAS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Lazarus Levy, about the hour of ſeven in the night, on the 15th of November laſt, and feloniouſly ſtealing therein two watches with the inſide and outſide caſes made of ſilver, value 5l. the property of the ſaid Lazarus Levy.

(The witneſſes ordered to withdraw, by the requeſt of Mr. Garrow, Priſoner's Council.)

LAZARUS LEVY *ſworn.*

I live at Ratcliff-highway, No. 41; my windows were broke open, on the 15th of November laſt, between ſix and ſeven in the evening; I ſhut up five of the ſhutters there are ſix, I leave up the biggeſt, and there is a ſmall ſpace between each, ſo that the light ſhines through, I ſhut up ſhop at about half after four, and I was ſitting in my ſhop by the fire, and ſaw the corner ſhutter move, there is a gentleman next door and there was a boy at the door, I ſaid to him, you have medled with my ſhutters; he ſaid; I am ſure I did not meddle with your ſhutters, there is a man gone paſt, I ſuppoſe he did it, I went in again and ſat down, about ſix or ſeven minutes after, all at once four ſhutters were ſhut up, and bounced out two of the paynes of glaſs, there were twenty watches hung all in a line on braſs wire, and every watch had a hook, when the glaſſes were puſhed in, I ſaw two hands coming in with gloves, and a *drabiſh* colour great coat, pull ſome watches down, I run out of doors, and the man run away; I followed him, and cried out ſtop thief! he run better than I, but he was purſued and overtaken, but he got out of my ſight when he turned round the corner, after I came up they had him faſt; I ſaid, that is the man that run away with my watches; he had another coat on then, I did not ſee his face, I ſaw his clothes; he had a round hat, a light colour great coat with bright buttons, and a pair of gloves on.

Was there any thing of your's found upon him at any time?——No.

Can you ſwear that is the man?——I ſwear by the clothes, he run before me, and another man followed him; all I know is, that the man was brought back in the ſame clothes; I loſt two watches.

Mr. Garrow, Priſoner's Council. I think we have gone ſo far that nothing was found on the priſoner?——Nothing.

When you went out the firſt time you ſuſpected it was a boy?——Yes.

Who is that boy?—I do not know, he is

is not the boy that is now to give evidence, I went into the ſhop, I did not think of any harm.

You jumped up in a hurry for fear they ſhould get all the watches?——There was a great bounce made by the four ſhutters, then in the inſtant two panes of glaſs was broke, the priſoner immediately run away, and run much better than me.

How far had he to run, till he came to the corner of Denmark-ſtreet?——I believe I could run it in a minute.

Four out of five of your ſhutters were cloſe?——Yes.

Were the other ſhops in the ſtreet open or ſhut?——There is a watchmaker's ſhop ſhut up at ſeven.

Did the other ſhop ſhut up before you or not?——They may do as they like.

But did they?——My neighbour never ſhuts up her ſhop till nine, as to the other ſhops, I do not know whether they were ſhut or not.

Did you obſerve the man's coat?——I obſerved it was *a little drabiſh*.

How many of your neighbours might have the goodneſs to join in the purſuit?—Nobody run but one, but a little higher up there was a few.

Is the boy to whom you had ſpoke, one of them?——He might.

Was you at your tea?——No, Sir.

The perſon that run from your door, had a round hat on, flapped?——It was not flapped, I ſuppoſe it was *a little flappiſh*, I am not a maker of hats, I call it a round hat.

Now a man with a round hat of whom you had about the third part of a minute, running from you with his back to you, you undertake to ſwear to?—He was not above thirty yards off.

What ſort of a night was it?—It was not moon light.

Was it rainy or fair?——It was a little ſprinkle of rain.

A little ſprinkliſh?——It was not very dark or light.

It was a little darkiſh, ſo upon a darkiſh night about one third part of a minute a man running from you, with his back towards you, with a hat flapped on, you ſeeing him for only twenty ſeconds, undertake to ſwear to him?—He had two white buttons on his ſide.

That is right, now you can ſwear to them, two white buttons upon his hip; to be ſure a man with two whitiſh buttons upon his hip, is the moſt remarkable creature in the creation; I will not keep you any longer Mr. Levy, good night to you?——Good night to you.

JAMES READ *ſworn*.

On the 15th of November, between ſix and ſeven, I had juſt left work, and paſſing by the end of Denmark-ſtreet, I heard the cry of ſtop thief! I took no notice of it, at laſt I ſaw the priſoner at the bar come up between the poſts, there is a bar at the end of the ſtreet, he came into the new road from Denmark-ſtreet.

Was he walking or running?——He came running up to me when I ſtopped him.

When you firſt ſaw him, was he walking or running?——He might be ſtanding ſtill when I firſt ſaw him, it was dark, and I could not ſee him.

When you firſt ſaw him what was he doing?——He was coming through the poſts, I was about twenty yards from the poſts, he came running up to me, and I ſtopped him, I took hold of him, he aſked me why I ſtopped him, I told him I did not know, I ſuppoſed he was the thief; ſoon after Mr. Trevallion who keeps cows came up, and deſired me to keep faſt hold of him; then Mr. Levy came up and ſaid, that was the man; we took him to Denmark-ſtreet, to the ſign of the Kettle-drum, an officer was ſent for, but no property was found upon him.

The Remainder of this Trial in the Eleventh Part, which is the laſt, and will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 8th of DECEMBER, 1784, and the following Days;

Being the FIRST SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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[PRICE NINE-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Thomas Lucas.

Mr. Garrow. How far might you be from the priſoner when you firſt ſaw him?——About twenty yards.

It was ſo dark you could not ſee whether he was running or not?——He ſtopped at the poſts, he might run after he came through the poſts, and he certainly did.

Was it a rainy night?——No, it did not rain at all.

Now do you mean to ſwear that?——It rained afterwards, that ſame evening.

Nay man, never blink it, did it rain or not?—I cannot poſitively ſay.

Recollect yourſelf a little?—I cannot ſay.

May be it was a light night?——It was dark, but not ſo dark but I could diſtinguiſh the man coming through the poſts, he had a drab coloured coat and metal buttons.

After you took hold of him, you took care he threw nothing away?—The conſtable took him away, there were no watches found upon him.

JOHN TREVALLION *ſworn.*

I am a cow-keeper, I live in Denmark-ſtreet.

How near is that to Levy's houſe?——About fifty yards, I cannot ſay how long the ſtreet is, it is a longiſh ſtreet, I heard the cry of ſtop thief, I ſaw a young fellow in a light coloured great coat, with metal buttons, and a blue coat under it, run along, there was a lamp, I ſaw him very plain, I run after him and fell down on one knee; I made a ſtumble at the top of the ſtreet, a young man ſtopped him, and we took him to the public-houſe and ſearched him, he had a bit of myrtle in his mouth.

Had you ſight enough of him to know that the man that was ſtopped was the ſame man?—Certainly, he never was out of my ſight, he had not got by the door when I ſaw him; when I turned out of my door he ſtepped over my cellar window; there was a knife in his pocket; Mr. Levy came up crying ſtop thief, and partly out of breath.

Did you ſee any boys running?——Yes, towards the top of the ſtreet.

Mr. Garrow. The boys were a head of the perſon that came paſt your door?—No, Sir.

Do you know any thing of theſe boys that were running?—I ſaw no boys till the cry of ſtop thief, there are many alarms in that ſtreet, the priſoner was taken at the upper end of the ſtreet in a back lane, the boys ran after me, and ſome overtook me; I keep a chandler's ſhop at home, and carts and cows.

Stand up that the Jury may ſee you, you keep carts; what the handy jockey carts, do you keep any of thoſe convenient things for the benefit of the country poultry?——No, Sir, I do not.

Do you deal in any other animals, do you deal in horſes?—I never buy any but what I buy for my buſineſs, I buy them with a good face.

Was you in your front room that you was drinking tea?——My rooms are all in front, I have but three rooms.

Did

Did you hurt yourſelf much?—No, Sir, not a great deal.

Was it a moon light night?—It was not.

It was a dry night, that you recollect?—I will not be poſitively ſure of that, to the beſt of my knowledge it was a dry night.

Did not it ſprinkle a little?—I did not know, if it did I forgot it.

Did you dirt yourſelf much in falling down?—I did not.

Did you trace back the way that the perſon had run from Mr. Levy's houſe?—No, Sir, they brought the priſoner back, I ſaw him make a halt back; I ſent Mr. Levy back, it was not my buſineſs, there was nothing found on the priſoner.

WILLIAM HAY *ſworn.*

I live in Ratcliff-highway, within three doors of the proſecutor, I was going out with ſome goods, I ſaw that perſon about Mr. Levy's window, I ſaw him walking backwards and forwards, looking at the things that were in the window.

What did you ſee him do?—I ſaw him do nothing but look at the things.

How long did you obſerve him?——He might be ten minutes, or better.

What might you be doing all the time?—I went out with ſome goods, and when I came back he was in the ſame place.

What are you?—A grocer, I live with Mr. Jollands, I am errand boy, I have lived there two years and three quarters.

Did you ſee Mr. Levy come out of his ſhop at all?—No, Sir, I did not, I went and told my maſter that there was a perſon lurking about, and I did not like him, but my maſter being buſy in the ſhop, did not take much notice of it.

How do you know it was the priſoner?—Becauſe I am ſure of it, I went cloſe by him, he had a bit of myrtle in his mouth, and a light great coat on.

Did you take notice of that?—Yes, Sir.

How came you to take notice of ſuch a circumſtance?—I did take notice, he was walking backwards and forwards, and I looked at him.

What ſort of a bit of myrtle was it?—A little ſprig.

Was this a very light night that you ſaw a little bit of myrtle?——He was near the windows, and by the lights you might ſee his face very plain.

What led your attention to him ſo much to obſerve he had a bit of myrtle in his mouth?—Becauſe he looked at me, I went in doors and ſaw no more.

Mr. Garrow. What time of night was this?—Between ſix and ſeven, all the ſhutters were up excepting one, and there was a little ſpace between every one, I did not ſee any body thereabouts.

Do you know the lady that lives at next door?——Yes, the priſoner was looking at her ſhop as well as Mr. Levy's.

Did you ſee any body with him?—No, Sir, I did not.

It was a moon light night?—I cannot ſay directly, the lamps were alight.

It was a dry night?—No, Sir, it was a wet night, it rained ſmall rain a good pace, that made me look the more, becauſe the perſon ſtood ſtill in the rain.

You frequently have been alarmed in that neighbourhood with thieves?——I cannot ſay.

(The priſoner called four witneſſes, who all gave him a good character.)

Court to Read. Was you preſent when the priſoner was ſearched?—Yes.

Did you ſee what was found upon him?—I ſaw nothing found in his pocket, he had a pair of gloves on his hands, I am poſitive of that, I took particular notice of it.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

---

193. JOHN MILNE and SARAH STEWARD were indicted for feloniouſly ſtealing one pair of linen ſheets, value 5s. the property of Thomas Shaw.

THOMAS SHAW *ſworn.*

I am a ſhoemaker in Lewkner's lane, I loſt ſome ſheets, and Charles Young told me there was a pair of my ſheets at Litchfield-ſtreet, in the office, there was my mark on them, my name was at length, and where I lived, in large print letters at length: I went and owned the ſheets, I knew them to be mine; theſe are the ſheets, and here is the mark, they are marked with a ſtamp and India ink, Thomas Shaw, No.

No. 3, Lewkner's-lane, Drury-lane, one with red ink, and the other with black.

——— BLACKETER *ſworn.*

I had theſe ſheets from Mrs. Steward the priſoner, we had information that there were ſome ſtolen goods in her room, and we went to ſearch her houſe.

Is ſhe married or ſingle?—I do not know, ſhe lives along with Milne.

How do you know that?—She told me ſo herſelf, his clothes were there, which he owned to afterwards, his breeches was hanging over a chair; he came in, and I aſked him whoſe thoſe clothes were, there was a coat and a pair of breeches, and I am not ſure whether there was not a waiſt-coat; in ſearching we found theſe ſheets, with this man's name upon them.

Where did you find the ſheets?——At the door on the landing place, laid in a handkerchief.

Were his clothes laid in the ſame place?——No, they were hanging on a chair by the bed ſide.

But theſe clothes were not in that room?——No, we aſked how ſhe came by them, and ſhe ſaid they were a pair of ſheets Mr. Milne had bought early in the morning; I aſked Milne whether they were not his ſheets, and he denied them.

Was he by when ſhe ſaid he bought them?——No, that was juſt before he came in, we found ſome picklock keys in the cupboard, in the ſame room where Mrs. Steward lives.

Was the cupboard ſhut or opened?——I do not recollect.

JOHN SAYRE *ſworn.*

I belong to the office; on the 2d of November, Young, I, and Dixon went to the lodgings of Mrs. Steward, with a ſearch warrant after ſome ſtolen goods; ſearching the room for them, I ſaw Dixon take theſe picklock keys out of the cupboard, at the further end I ſaw a hatchet, I went out with a candle, and went to ſee if there was not a cockloft on the ſtaircaſe; and I found theſe ſheets under a table at Mrs. Steward's door, ſhe lodged in a garret; I aſked Mrs. Steward if ſhe knew any thing of them, ſhe made anſwer, they were dirty ſheets Mr. Milne had brought home that morning; they were very dirty, we have been obliged to get them waſhed.

CHARLES YOUNG *ſworn.*

I went with the two laſt witneſſes and Dixon to ſearch Mrs. Steward's lodgings, No. 9, Tottenham Court-road, and Sayre brought in theſe ſheets from the outſide of the door; ſays he, Mrs. Steward, what are theſe ſheets; ſays ſhe they are dirty ſheets that Milne left here this morning; I ſaw Dixon take theſe keys out of the cupboard, and when I ſaw the proſecutor's name on the ſheets, I went and fetched him.

PRISONER STEWARD'S DEFENCE.

I cannot expreſs my affairs ſo well as I could wiſh, for I am deprived of council by theſe men who had my property; this day ſix weeks, the 2d of November, they approached my apartment forcibly; I was a waſhing, I had a great waſh; I aſked them for their authority, they did not produce it, they would not let me have it in my hand; I ſaid do nothing raſhly, let me have ſome perſon to be witneſs, if it is only the conſtable of the pariſh; this gentleman packed up my wearing apparel, I had a mangle in the houſe, I take in mangling and waſhing, they then picked up a trunk which they called a Peter, I paid eighteen ſhillings for the trunk, I have the receipt; I ſaid here is nothing but what I have a receipt to prove; there were ſix ſilver tea ſpoons, tea tongs, buckles, ſeven gowns and my ſheets, and two counterpanes, one never wetted; they acted like lions, had I been a Turk or an Infidel, they could not have acted with more barbarity; I have been ſix weeks in priſon, I have had this man out of compaſſion to ſupport, he was a ſufferer, and a great one, he came inadvertently to the place during the interview they had with me, and he ſaid Gentlemen, what demand have you with Mrs. Steward; ſays he, Gentlemen, ſend for the conſtable of the pariſh and ſee her righted, as ſhe is without a friend, or any perſon preſent: I ſtand here as a priſoner, it is really truth though you may not believe it; Blacketer packed up my truuk, and there was three ſilk gowns, that any Gentlewoman in London might put on, and ſix ſilver tea ſpoons with S. S. engraved, which I paid for; they

they had my undeniable character in the neighbourhood; they even brought my fender and a ſet of fire irons, they were going to unſcrew a pier glaſs; I ſaid, Gentlemen, do not ſpoil the frame of my glaſs, which I worked very hard for, and eat a cold dinner of a Sunday; they only unſcrewed one ſcrew of the pier glaſs, which was to go before the magiſtrate, I deſired them before the magiſtrate to commit me bailable; he then took four or five keys from a cupboard; now this man deals at Mr. Perrott's, and ſeveral ironmongers, he has iron to turn to the beſt advantage, he has imported them abroad by the dozens together, they are no picklock keys, and they were looſe when they had them. I will endeavour to ſubmit to your command, be it what it will, and the will of God, if you will but pleaſe to releaſe this man, he is an innocent man; I am willing to ſubmit to your command, was it death, ſo you pleaſe to releaſe this man, he is innocent, and I am innocent, they brought my clothes to priſon, after being in priſon thirteen days; this Blacketer that appears againſt me, is acquainted with a Jew woman that deals in old clothes; there is a God above that knows the ſecrets of all hearts; there was a little boy that lives in our neighbourhood, with one Mr. Roper an auctioneer, this man after I tried to get him into place, the huſband of this Jew woman ſuffered, and ſhe had received a duplicate of this poor boy whom I kept from deſtruction, and this Mr. Milne out of charity gave the boy a ſhilling to bring her before Mr. Fakney, one of the Juſtice's of the rotation; he had a ſearch warrant againſt me, theſe ſheets were laid at my ſtair head out of villainy, and no other; I am as innocent as the baby unborn, I am willing to ſubmit to the will of God; this woman gave an information of me in Tottenham Court-road; my impriſonment has brought me to deſtruction entirely.

Court. What became of the clothes?—After thirteen days I had ſome of them ſent, I was ſtarving in the priſon for eight days, and had nothing to relieve me, nor had this innocent man, my ſpoons and tea tongs were returned by Mr. Blacketer.

PRISONER MILNE's DEFENCE.

My Lord I live in the City I am a porter to auctioneers and brokers, I never was before a Judge or Juſtice in my life before, I gave a ſhilling to this boy, the ſheets I never ſaw, as there is a juſt God in Heaven; theſe things were adverti ſed on the 6th of November, on the 9th Blacketer brought down a porter with her trunk, and ſome apparel, and ſome plate, he charged two ſhillings, ſhe paid him one and nine-pence, then he comes on the 13th teenth, and ſays, will you ſell your fire irons and fender to Mr. Fletcher, no ſays ſhe; ſaid he, if I had known this I would have brought ſomething againſt you, then he forcibly took from her, a Princes metal candleſtick, between the gates of Newpriſon.

Court to Blacketer. Did you receive any money for the things that you carried?—I received two ſhillings, then I came down again with a load of wet linnen, and poker, tongs and ſhovel, I gave the man one ſhilling each time, and I had nothing for my trouble at all.

Who was the man that brought it?—A porter that came along with me from the office.

Court. I ſhould be glad to know if you take away things out of her houſe, is ſhe to pay for bringing them again; upon my word an innocent perſon may be in a very pretty ſituation, if that is to be the caſe?—I brought them to priſon by her deſire, ſhe promiſed to pay me, I paid the man two-ſhillings for bringing them down, upon my oath I paid two ſhillings, and I never had directly or indirectly any of that again.

You have the man here I ſuppoſe?——No I have not, he ſaw me have no more than two ſhillings, I never put it into my pocket.

How came you to keep theſe things fourteen days?—I do not recollect that they were ſo long, they were advertiſed three times.

Sayre. There were three or four pair of wet ſheets, they were advertiſed, and people came and could not ſwear to them, when we were at Mrs. Steward's lodgings, ſhe begged we would not let the woman of the houſe know, I ſaid it was fit ſhe ſhould

know; this woman has been convicted before.

Court. But that you are not to ſay.

Priſoner Steward. I never was?——I dare ſay ſhe was.

Court. Do you know it yourſelf?—For ſhoplifting once.

Do you know that of your own knowledge?——Yes, Mr. Akerman's ſervants know it.

That man was not in the houſe when you firſt came in?——No he came in, in about ten minutes after the ſheets were found.

Court to Priſoner Steward. You was ſaying juſt now, that you had people that knew you, I ſuppoſe you have ſomebody to your character?——My landlady is not well my friends have attended all laſt week, I am innocently accuſed, but I am willing to ſubmit to your pleaſure, ſo as you will pleaſe to releaſe this man.

Priſoner Milne. The late Sheriff Skinner has known me theſe twenty-two years, he is not in town this day, the Lord Mayor has known me ten years.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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194. TAMSIN ALLEN was indicted for feloniouſly aſſaulting Joſeph Taylor, on the King's highway, on the 21ſt day of November laſt, and putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one watch with the outſide and inſide caſes, both made of ſilver, value 30s. his property.

JOSEPH TAYLOR *ſworn.*

I was going through George Alley, the 21ſt of November laſt, on Sunday night, a quarter paſt twelve, the priſoner and another woman were ſtanding at the top of the alley, and the priſoner on my right hand, and the other on my left, the perſon on my left hand caught hold of my coat, and aſked me where I was going, I ſaid what was that to her, ſhe ſaid ſtop, I want to ſpeak to you, ſays I, what do you want, ſhe immediately with her other hand catched the watch out of my pocket, ſhe kept hold of my coat with one hand, I accuſed her with taking my watch, I felt her take it, ſays ſhe, I will have your watch, yes, ſays I, you ſhall not have it, I ſeized her by the hand, and I got hold of the chain of the watch, and the priſoner was going by at the ſame time, and ſtepped up and caught hold of me, by the hand which I held the watch chain with, and immediately gave me a ſhove, and I fell with my ſhoulders againſt the wall, which cauſed the chain, by the force of her ſhoving to break; the other immediately run away with the watch, the priſoner was then ſtanding by me, and I called out for the watchman, and Mr. Morris was coming down the court at the ſame time, I had hold of the priſoner, and gave charge of her, ſhe was taken into cuſtody, the other got off.

You never found the other?——She was taken up, and I really believe her to be the perſon, but it being dark in the alley, and ſhe having a hat and cloak on, I could not ſwear to her, but the priſoner was never out of my ſight and had no hat or cloak on, I delivered the chain to Mr. Morris.

Priſoner. Whether I ever was in his company or not, or ever ſaw him, till he came into my apartment, and gave charge of me?——After I gave charge to the officer, he took her.

Priſoner. He was very much in liquor, ſo was the conſtable.

GEORGE MORRIS *ſworn.*

I was officer of the night, on Sunday night, I was going round and heard a diſturbance in George Alley, and knowing what a bad place it is, being infeſted with nothing hardly but whores and thieves, I went down, and there was the proſecutor, who ſaid he had been robbed of his watch; by a woman that was run away with it, but this woman had come in and interfered, and prevented his following her.

Did

Did you find them ſtruggling?——No, they had left off ſtruggling when I came, ſhe was cloſe by him, we went into her apartment to ſee for the other woman, I came out in a hurry to day, and forgot the chain, the proſecutor had a broken watch chain in his hand, it was a common ſteel chain.

Priſoner. My Lord, I had been down the court for a pennyworth of beer, and coming up the court with a lighted candle in my hand, I heard a great noiſe in the court, there was the proſecutor, and the conſtable in the court, I went to unlock my door, they came up and ſaid, is this one of the women that robbed you, the proſecutor ſaid yes, I believe this is the woman that ſhoved againſt me, there was another woman in cuſtody, and ſhe was cleared, I never ſaw him till he came into my room, I never was with any woman, I was in my own apartment, when they came I had been down the alley, and coming up with a lighted candle in my hand, they followed me up in my own room.

Morris. My Lord, they were in the alley coming up George ſteps, he ſaid that was not the woman that robbed him, but ſhe came in between.

Priſoner. I have ſent for my witneſſes, but they did not know of my trial coming on, there is a woman that can give an account.

MARY WILLIAMS *ſworn.*

I was not at home when this man brought three women to our houſe, he found his watch on the bed, and he ſtaid till he was very much in liquor, and he would have more gin, this was in George-yard, Field-lane.

Court. Be careful what you ſay, you know you are upon your oath, and if you ſwear falſly, you will be liable to be committed and proſecuted for perjury?—This man came to our houſe in George-alley, on Sunday night, about nine.

What man?——Taylor, that ſtands here.

Who keeps the houſe?——I keep the houſe.

What is the number of your houſe?—No. 2.

Is it a public-houſe?—No it is a lodging houſe; and he brought in a luſty woman with him, not the priſoner at the bar, they went into a room together, there were three of them together, and he came again, and ſaid he had loſt his watch in the houſe, and I called in the patrol, there were two more women came in with him, they followed the other two.

How long did they ſtay in your houſe?——Two hours, then the women and he went altogether out, they were wrangling about a watch.

How ſoon did they begin to wrangle about the watch?——Directly, almoſt as ſoon as I came in, I do not know how long they had been there before.

Who began the wrangling?—The man ſaid he had loſt the watch in the houſe.

How ſoon after he came in was that?—I do not know how long he had been in the houſe before I came in.

Then how do you know that he brought three women with him, if you was not there when he came in?——I ſaw the three women in the houſe when I came home.

You did not ſee him come in?—No, I did not.

How came you to tell me then, that the luſty woman came in firſt, and the other two followed her?—The maid that I kept told me ſo.

Is ſhe here?——No.

What time of night was it when you came home?—It was a little after nine.

What time of night was it when you ſent for the patrol?——It was about half after nine.

Did any of the patrols come?——They came in and told me they had no right to come in without a charge.

Which of the patrol?—I do not know the man's name, he is a tall man; the patrol went away, and the man found his watch on the bed directly after the patrol went

went away, then the man said I will treat you with any thing you please, but he did not treat them; there had been half a pint of gin sent for, the man did not pay for it, but he drank some.

Who paid for it?——I paid for it out of my own pocket.

How long was it before he went out of your house again?——He went out directly then, and was satisfied, and wished us all a good night.

How long did the patrol stay?——The patrol did not stop at all.

How long was it after the patrol went out that the man found his watch on the bed?—In less than five minutes.

Was it immediately after the finding of his watch that he was good company, and said he would treat them with any thing they pleased?—It was on a Sunday night, and the girls asked him to treat them with a drop of gin, the gin was sent for directly, he went away directly after he had the gin, it was about half past nine when the patrol came in.

Do you know how long he had been in your house then, was not you informed of that?——No.

How came you to say, in the begining of your evidence, that he brought in this woman with him, and staid two hours, and now you say you came in a little after nine, and about half past nine the patrol came in, and they went away in five minutes; what time was it when he went out of the house?——About half after nine, or it might be eleven.

But what time was it?——As near as I can tell, it was near about eleven.

Was he drunk or sober when he went away?——He was very much in liquor.

Did the patrol that came in, attend constantly upon duty at your part of the town?——He does.

Do you know any of these women that were in the house with this man?——The first woman that brought him in, as our girl said, I was taken up to find her, and I did, and he discharged her; one of their names was Elizabeth Waldon, and the other's name Sarah, I do not know her other name.

Was this prisoner one of the three that you saw?——No, my Lord, I did not see her all the night, another of their names was Catherine Williams; the man had his watch when he went out, and all the three women followed him.

Do you know any thing more after they went out of your house?—No.

Court. Do not let that woman go out of Court till the Jury have found their verdict.

Court to Prosecutor. Was you in liquor, or sober?—I had been drinking at the Bell, in Holborn, but I was not in liquor, the officer was.

What time did you leave the Bell?——About half past nine.

Where did go from the Bell?——I was going down Holborn to go home.

Where do you live?—At Shadwell, there was a woman standing at the end of Union-court, asked me where I was going, and she asked me to go along with her, and I did go to the house where this woman mentions; I do not charge the prisoner with any thing of this, but what was afterwards.

How long did you stay at Williams's house?——I had not been in the house five minutes before I missed my watch and money, I immediately made an uproar in the house, and said I was robbed.

How many women were there in company?—There were four, I believe; I insisted upon not going out of the house till I had my watch and money, I was in the house from about ten till about a quarter after twelve.

Did the women that were in the house with you follow you out?—No, they were gone out before.

Was the prisoner one of those in the house?——I cannot say whether she was or not, I do not remember her face there.

How long had you been out of the house before what you say happened?——I had but just got out of the house; when they found

found I insisted on my property, they said, why, damn you, why did not you go and look in the room, and I went, and I found it underneath the bed, between the bed and the mattrass, after that I was going up the alley again, I met with the two women, the prisoner at the bar and another, I believe they were not the same women.

Morris. My Lord, I only beg to say, the patrol never comes on duty till past ten o'clock.

The prisoner called one witness to her character.

Court to Morris. Did the prosecutor appear to be drunk or sober?——He was sober, to the best of my judgment, he shewed me the house where he had been before; when I first came up, the prisoner and he were together.

When you first saw them, had he hold of her?——Yes, she did not offer to resist, she was not above five or six yards from her own lodging, they all lodge in one court.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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195. JOHN HUGHES, SAMUEL GILBERT, and WILLIAM STEWART, were indicted for burglariously and feloniously breaking and entering the dwelling house of William Brown, on the 24th of October last, about the hour of three in the night, with intent his goods, chattles, and monies, then and there being in the said dwelling house, burglariously and feloniously to steal.

A Second Count, laying it to be the house of Charles Brown and William Brown.

The witnesses examined apart, at the request of Mr. Garrow, Council for the prisoners Hughes and Stewart.

WILLIAM BROWN *sworn.*

I live in Pall-mall, the house is my brother's and mine, his name is Charles Browne we are seal engravers, I and my family live in the house, my brother does not live there, but he pays half the rent, we hold the house by a lease in our joint names, I sleep in the back room up two pair of stairs. On the 24th of October, a little after three, I was awaked by a noise, I directly heard people running out of the court, which is behind the house, I got up and threw up the sash, my window looks towards the back court; by the time I opened the window, the persons were got out of the court, so of course I saw nothing; it is Union-court, which leads to the Opera-house, there is a small paved yard which leads from my parlour to the court, and there is a door out of my yard into Union-court; in about half an hour or more, the watchman returned from the watch-house, who had secured some thieves, he gave no alarm by crying thieves, but I heard his rattle, and when the watchman and witness returned, they acquainted me with what had happened; I came down stairs, and found the parlour door, which looks into the back yard, bored through by the centre bit, this is a part of the pannel which I had taken out. *(Produces it.)* I was last in the room, and bolted the door myself, as I do every night, and take up the keys of the house; I locked the parlour door, which is next the passage, and took up the key.

Court. Was the door next the yard unbolted?——No.

Was that hole near one of the bolts?——It was, if they had been two minutes longer, they would have been in the house.

Mr. Garrow. My Lord, I believe there is an end of the indictment.

Court. Were the pieces of this door on the outside or inside?——I picked up this piece within the parlour.

Court. We are upon very nice ground, here is a clear breaking, but in order to constitute this offence of burglary, there must be an entering as well as breaking; if there be any evidence of these people putting in their hand, there would be an entering;

as for the entry, any, the leaſt degree of it, with any part of the body, *or an inſtrument held in his hand is ſufficient*, ſo as to ſtep over the threſhold, to put in a hand, or hook, or a piſtol, to demand one's money, are all of them burglarious entries; but here they might cut theſe pieces out of the door without theſe pieces being in the parlour.

Jury. The centre bit muſt go through, and ſo muſt the hand go through.

Mr. Garrow. I fancy, my Lord, we have now got far enough for me to trouble your Lordſhip with an objection.

Court. Go on.

Mr. Garrow. My Lord, I take it to be a principle, and it is the practice of the law of England, that all *points* may be uſed in order to ſave the lives of priſoners; but I am perfectly convinced, that by your Lordſhip and by the Jury, many of whom are known to me to be men of good ſenſe, and great humanity, no point will be preſſed againſt the lives of the priſoners, I am perfectly convinced, that if this caſe depends on the queſtion, whether half an inch or a quarter of an inch of the point of an inſtrument, has penetrated through the door, the lives of the priſoners are perfectly ſecure; but, I am to addreſs myſelf to the queſtion of law, and I will endeavour to confine myſelf very ſtrictly to that queſtion: I take the liberty of ſtating with great ſubmiſſion, that according to the ancient common law notion of burglary, it was indiſpenſibly neceſſary, that there ſhould be a breaking, accompanied by an actual entry, that I take to be the ancient common law of England; the reaſon that burglary is conſidered as an offence highly criminal is, that it is an invaſion of the ſecurity of the ſubject in his caſtle; I am aware that there have been ſome determinations, in which that ancient principle has certainly been conſidered with a degree of latitude in the conſtruction, that is not always to be found in the determinations of the Judges, in queſtions of life; I am aware of thoſe deciſions which hold, that where a pane of glaſs is broken, and an inſtrument introduced noctanter, that that is a burglary; but, I may ſay without offence, that there are very great authorities, who wiſh it was a new queſtion, and had not been ſo held; but, I take it the principle of all theſe new determinations is this, there is ſuch a breaking of the caſtle of the proprietor, that his property may be taken out through the aperture; and I take the principle of thoſe determinations, which ſpeaks of an inſtrument introduced, to mean not the inſtrument by which the breaking is made, but an inſtrument by which the property of the proprietor is removed, introduced ſubſequent to the act of breaking, and after it is complete; here the introduction of the inſtrument is part of the act of breaking, and no man living can ſay, that this centre bit was introduced for the purpoſe of taking out the property of the proprietor, no, it was for the purpoſe of breaking into the domicile of the proprietor; and I admit that, as to that branch of the crime it is complete, but the Court will not ſay, that the introduction of the inſtrument for breaking, was for the purpoſe of taking out the property; if there had been the leaſt property of Mr. Brown near this hole, that the hand or a hook could have removed if introduced, ſubſequent to the breaking, I do admit I could have had nothing to ſay on the ſubject; as to all the caſes that have been mentioned of the introduction of a hand, a foot over the threſhold, or a piſtol, they all ſeem to proceed on the idea, that the breaking is precedently complete, and this is conſidered as an act of dominion over the property of the owner, acquired by the breaking; as where a piſtol is introduced, by which terror is applied to the true man to compel him to part with his goods; but there is no caſe which has ſaid, that the introduction of an inſtrument in the act of breaking, ſhall ſatisfy both the diſtinct requiſites of the offence, namely breaking *and entry to ſteal*; ſuppoſe inſtead of being the caſe of a door, which is pierced with the centre bit, this had been a brick wall, broken with a pick-ax, and it had appeared that the pick-ax had neceſſarily been within the wall, would the

Court

Court have held, that this, beſides being a breaking, was an entry into the dwelling houſe to ſteal? I aſſure myſelf that however imperfectly, I have on the ſudden, ſtated the argument, the Court will not in a caſe of life, extend the law one *iota* beyond the letter of former determinations, and will not think themſelves warranted to conſtrue this caſe upon the evidence to come within the definition of a burglary.

The Judges concurred with the Council, and directed the Jury to acquit the priſoners on this indictment; and ordered another indictment to be preferred againſt them, for breaking the door in the night time, with intention to commit a felony.

ALL THREE ACQUITTED.

They were tried at the Seſſions Houſe, Clerkenwell, on ſuch indictment, convicted, and ſentenced to be impriſoned three years in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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196. FRANCES CRABB was indicted for that ſhe, on the 4th of November laſt, with force and arms, knowingly, unlawfully, wickedly, and maliciouſly did ſend a certain incendiary letter in writing, directed to one Thomas Vaughan, of Peter-ſtreet; threatening to ſet his houſe on fire, againſt the ſtatute.

A Second and Third Count laying it in a different manner, againſt the ſtatute.

THOMAS VAUGHAN *ſworn.*

The 14th of November laſt, a letter was ſent to me, between ſix and ſeven in the evening, delivered to a little boy about eight or nine years of age, juſt before my door.

Did the boy belong to you?——No.

You did not ſee it delivered?—No.

Who did the little boy deliver the letter to?—To my ſervant, I was in the kitchen, ſhe delivered it to my daughter, I cannot ſay I ſaw her deliver the letter, but I ſaw my daughter break open the letter; as ſoo as ſhe broke open the letter, and ſaw the top of it, ſhe delivered the letter to me, I ordered the door to be ſhut immediately, till we had examined the boy, to know from whom he had it; I have the letter now, it was left at the Old Bailey, where I went to find the bill, with the perſon that drew the indictment.

Did the boy ſhew you any perſon from whom he had received that letter?—Yes.

Did you go with him any where?—No, the girl was taken up before the Juſtice, and he picked her out before the Juſtice, and ſaid, that was the girl; on Sunday night the letter was delivered, and the Monday night the girl was taken up.

Was you preſent when ſhe was taken up?——Yes, the conſtable would not go by himſelf.

Where was ſhe found?——In her father's houſe.

Where does her father live?——In Cooper's Street, Weſtminſter.

Was ſhe carried before a Magiſtrate that night?——Yes.

What Magiſtrate?——Juſtice Haines.

Did you inform her what ſhe was charg with?——The conſtable informed her.

What did ſhe ſay?—I cannot ſay, I was ſet upon by five or ſix of them, and like to have been torn to pieces, all my face was torn in a moſt abominable manner.

Was there an attempt made to reſcue her?——Upon my coming in, the father and mother both fell upon me, and there were two or three women in the houſe beſides; my nephew and the conſtable and I, went together, and we brought her away.

Was the letter produced in her preſence before the Juſtice?——Certainly it was, and read before him by the clerk.

What did ſhe ſay?——When ſhe was before the Juſtice, ſhe denied the writing of it, one of the lodgers came in, and was aſked whether it was her hand writing, he ſaid, he had ſeen her write cleverer; the Juſtice made her write twice over in the office, the boy picked her out before all

the

the reſt, and ſhe ſtill continued to deny it; the Juſtice's clerk told her not to own it, but deny it, I cannot tell her anſwer, ſhe never acknowledged it.

You knew the priſoner before?—Yes, I have ſeen her before, ſhe has been a great affliction to my family, by ſome particular connection with my ſon.

Had ſhe ever at any time previous to this, expreſſed any reſentment againſt you or your family in your hearing?—No, when I found their connections, I bound my ſon apprentice to Mr. Moulton, ſtationer, in Chancery-lane; in a fortnight after he was bound, this girl would not let him alone.

Mr. Peatt, Priſoner's Council. Is your name Thomas Vaughan?—Yes.

Have you a brother of the name of James Vaughan?—Yes.

Have you been under any ſuſpicion of taking bacon or thread, or any thing of that ſort; this brief is this moment put into my hand: was you committed for any ſuch charge, for ſtealing thread or bacon?—No, Sir, never in my life, I am too well known to be guilty of any ſuch action.

What time in the evening was this that the boy came to you?—Between ſix and ſeven, as nigh as I can gueſs.

Do you know any thing of the boy?—I never ſaw him before to my knowledge.

Did any converſation paſs between you and the boy, previous to the going to this woman's houſe?——There was no occaſion for any.

Did you ſuppoſe he came from the priſoner at the bar?—He ſaid this young woman came over juſt to my door, and delivered it to him to deliver it to me, the boy did not know where the priſoner lived.

Nothing particular paſſed between you and the boy?—No further than aſking his name and where he lived, the Juſtice gave the boy ſtrict charge to be in the way when he was wanted, inſtead of which, he was ſent out of the way, and ſent down to Scotland: the boy's name is Theophilus Bourne.

Did you give him any money?——No.

Did you offer him any?——No.

Did ſhe deny her hand writing before the Juſtice deſired her to write?——Yes, ſhe did.

Where is Theophilus Bourne?——We have not been able to find him.

Court. Has the boy any father?—I believe not.

The Magiſtrate ſhould have bound over the boy?——Yes, he ſhould, but inſtead of that he was ſent out of the way.

JAMES VAUGHAN *ſworn.*

I am nephew to Thomas Vaughan, the laſt witneſs.

What do you know of this matter of your own knowledge?——I am almoſt ſure it is her hand-writing.

Have you ever ſeen her write?——No, I cannot ſay I ever did, I have ſeen her hand writing.

That you cannot tell, unleſs you had ſeen her write.

SARAH BULLER *ſworn.*

I am daughter to Mr. Vaughan.

What knowledge have you of this matter?——Sir, I have ſworn that I really believe it to be her hand writing.

Have you ever ſeen her write?——No, from the expreſſions I believe it to be her's.

What have you heard her ſay reſpecting the letter?—The words mentioned in the letter, excepting ſetting the houſe on fire, all that infamous language, the latter end of laſt ſummer, going by my door, to me and our ſervant.

How came ſhe to make uſe of this ſort of language to you?——Upon the account, I imagine, of my brother, ſhe lived with him; ſhe threatened one night, but I cannot tell the day of the month, that ſhe would go and get drunk and break the windows, and threatened to come and cut our maid's bloody melt out; I have heard her make uſe of very indecent expreſſions, in the very words of that letter.

You have read the letter?—I have, Sir.

Do you mean to ſay, you have heard her make

make uſe of the ſame expreſſions as thoſe in the letter?—I have.

Or of expreſſions of a like tendency?——The ſame words partly, Sir, what are in the letter, them infamous words; I have never ſeen her write, but I have ſeen her writing in books and things.

Did you ſee her on the day this letter was brought?—No.

Court. I do not wiſh to aſk her to repeat the words unneceſſarily; do you know any thing of this boy that brought this letter that you are ſpeaking of?—No, on the 14th of November he brought this letter, I never ſaw him before; the boy ſaid before Juſtice Haines, ſhe gave him a halfpenny to deliver the letter.

ANN MALLARD *ſworn.*

Have you any knowledge of this buſineſs yourſelf?—I know the priſoner very well, and I really believe ſhe is the perſon that ſent the letter.

Do you know any thing yourſelf reſpecting the ſending or writing?——A child knocked at my maſter's door with the letter, and I took it from a little boy, I did not ſee the priſoner then; I never ſaw her write, I never heard her ſay ſhe would ſend a letter, ſhe has threatened me, ſhe has called me a bloody old mare.

Court. Any expreſſions made uſe of by the priſoner are admiſſible evidence, but whether they are relevant, will be a point afterwards to be conſidered. You have heard her make uſe of expreſſions ſimilar to thoſe that are in the letter?—Yes.

Did you ever hear any particular threat of revenge againſt Mr. Vaughan?——She has uſed him exceedingly ill, and called him equal and worſe, I can ſafely ſay, than what was in that letter.

Court to Vaughan. Have you any knowledge what became of this boy, after he had been examined before the Magiſtrate?——The woman where he lodged, took him with her out of the place, afterwards I never ſaw him.

Have you ever heard the priſoner ſay any thing about him ſince?—I never ſpoke to the priſoner but once, and that was when ſhe made her eſcape out of Bridewell, and I heard her ſay nothing; I did not mean to touch her life, but to chaſtiſe her for her inſults.

Court to Jury. The jit of the offence, is the threat, and the letter being without a name, for the writing an indecent letter *, however groſs the offence may be againſt public decency, is not the offence againſt this ſtatute: now, this boy being out of the way, there does not appear to be ſufficient evidence to call upon the priſoner for her defence; the only evidence is, that ſhe has been heard to make uſe of expreſſions groſsly indecent, ſimilar to thoſe contained in a part of this very abominable letter, but with an exception to that part which is the threat to burn the houſe; therefore, it would be too much to preſume, from perſons having heard the priſoner make uſe of the very indecent expreſſions that reſemble thoſe in the letter, that ſhe either wrote or ſent this letter: the perſon who brought the letter being out of the way, there is no ſort of evidence who ſent it, nor who wrote it; but if you think it neceſſary, I will call on her, and hear her defence.

Jury. There is no occaſion now, my Lord.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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197. EDWARD GREENWOOD was indicted, for that he, on the 4th of November laſt, maliciouſly and feloniouſly did make an aſſault on Samuel Swift, and in a forcible and violent manner did then and

* The letter itſelf was ſet forth in the indictment, and, of neceſſity, read in Court, but being totally improper for publication, is therefore not inſerted in this Trial.

there demand his monies, with a felonious intent the ſaid monies from his perſon and againſt his will feloniouſly to ſteal.

SAMUEL SWIFT *ſworn.*

I am pariſh-clerk of St. Saviour's, Southwark, I know the priſoner; on Thurſday the 4th of November, I was going from the Borough, where I live, to Old-ſtreet, and going up Moorfields, the upper end of the Artillery-ground, the priſoner came up to me on the ſide of me, and held down his hand, which rather alarmed me, and I kept walking on, he then told me that he was a young fellow in diſtreſs, and that I appeared like a humane man, and he deſired that I would relieve him; he then fixed his ſum at a guinea at leaſt, he told me his clothes were ſtopped at his lodgings for ſixteen ſhillings, and that nothing leſs than a guinea would do for his purpoſe, and that he muſt have that of me: I told him I much wondered at his aſking me for a guinea, who was a ſtranger, and that I had not one; he told me if I had not one, I could get one; I went to a houſe on purpoſe to ſecure him, but there were only two women in the houſe; he told me he would not leave me without it, and kept following me ſtill, and ſwore he would not leave me without the money, I then kept forward to Smithfield, and in my paſſage through Bull and Mouth Street, he ſtopped me, and told me, he would be damned if he left me, and aſked me why I did not get it; I went to the coffee-houſe in Smithfield, and deſired the landlord to aſſiſt me in taking him, he put his hat on, and met the priſoner in the paſſage coming in, ſo he was ſecured and put into the Compter: he put me in very great fear, I did not know what his intention was, I did not know but he had arms about him, and I have a large family of children, which are dependant upon me; he ſaid he would follow me home, and if he did, he ſhould have too much honour ever to come again; and in Bull and Mouth Street, he ſtopped me and fully demanded my money.

Court. Did he touch you?—He took hold of my arm.

But not with violence?——I cannot ſay he did.

What time of night was it?——About half after ſix, or a little better, when he firſt came up.

He walked a great way with you?——From Old-ſtreet to Smithfield.

A good many people were in the ſtreet at the time?——There was no watch.

Where did he firſt meet with you?—In Moorfields, and from thence to Old-ſtreet, then to Smithfield.

He kept cloſe to you?——He ſwore he would not leave me without it; he offered no violence, farther than taking hold of my arm.

What is Crank?—He is the perſon that took him.

He committed no violence in Smithfield?——None at all.

Mr. Silveſter, Council for the Priſoner. Where was the place you firſt met this man?—In Moorfields.

Recollect yourſelf, was not it in Biſhopſgate-ſtreet?—No, it was not.

You did not go through Auſtin-friars together?—No, not to my knowledge, I was no ways in his company, nor knew any thing about it.

There is a print-ſhop, where he ſtood behind the 'Change, now recollect yourſelf?——I recollect very clearly he did not, I did not ſee him.

Then from Moorfields you walked into Old-ſtreet-road, behind St. Luke's?——Yes.

Which way did you go to Smithfield?——We came back through Alderſgate-ſtreet, and then he would follow me into Bull and Mouth Street till we turned off, and we turned into Smithfield through one part of Little Britain; I was very much confuſed.

How many hundred people did you meet in your way?——I met ſeveral, no doubt, and I thought making an alarm might be of conſequence.

What

What was you afraid of?—I was afraid of my perſon, he was a more active man than I.

The ſhops were not ſhut?—I was afraid he would have done me ſome injury.

What injury could he have done to you by calling people to your aſſiſtance?——I thought it was more prudent to let him go to where I was known, I did not apply to any perſon to take him into cuſtody.

When he told you his clothes were in pawn, did he tell you his name and where he lived?—No, he did not.

When you went into Smithfield, he waited for you?—Yes, and he came into the door after I had ſpoke to the man to aſſiſt me.

What was it that he ſaid; was you given charge of that night?—I gave charge of him.

Did he give charge of you?——I believe he might after he was in cuſtody, he charged me with nothing, not a word of any thing that night, the charge he made againſt me was before the ſitting Alderman, after he was going to be committed.

Did not you think it very ſtrange, that a man ſhould follow you through all theſe populous ſtreets, and that he never once pulled out a piſtol, or any one ſingle thing to intimidate you?—So it was.

When he was taken into cuſtody, was he ſearched?——Yes, there were no arms.

Then you did not tell him after he told you his ſituation, that you would relieve him?——I told him at laſt, being very much intimidated, that if I could borrow a guinea, I would relieve him?——I was going to Helmet-row, to Mr. Dobſon, the Pariſh Clerk of St. Luke's.

What part of Moorfields was you in when he ſtopped you?—The part next the Artillery-ground next the rails.

Then you was not afraid to walk in a loneſome ſtreet?——I was obliged to walk, I could not lay down.

What do you mean by laying down?—When he demanded this money, I was a good deal of this ſide Chiſwell-ſtreet.

Now ſir, that night when you charged him with the watch; upon your oath, did not he charge the watch with you?——Never ſir, till after the conſtable had come and got him in cuſtody, and was taking him out of the door, he then ſaid I charge you with that gentleman.

How came you not five minutes ago, to ſay that he did not charge you at all?——That is a matter that did not ſtrike me, I meant a charge againſt me for any crime, he ſaid nothing about any crime.

What did he tell the conſtable to take you into cuſtody for, did not he charge you with a crime, or an attempt to commit a crime?——That I attempted to commit an unnatural crime upon him.

And did not he that very night Mr. Swift, when you was taken into cuſtody?——He did not.

Take care what you ſay?—He did not, no ſir, I bleſs God, I pay ſome regard to my word, and my oath, it certainly was not ſaid for what the charge was made.

Then you never heard for what the charge was made, till you came before the Magiſtrate?——Never.

Court. You came from the Borough?—Yes.

You was going to a friend of yours in Old-ſtreet?—Yes.

How did you get into Moorfields?—It is the road I generally go, through Auſtin Friars, I went to ſpend two or three hours with my friend, he was not at home.

Why did not you go home again?—I intended to go round to Smithfield, as this man was with me, and intended to follow me.

What carried you into Smithfield?—This man ſaid he would follow me, and perſiſted in it, and I thought I would let him follow me.

All London lay between Old-ſtreet, and the Borough, in the direct road home again?——I thought I would take him to where I was known.

Smithfield was very much out of your way?——I often call there.

Had you any intention of calling there that night?——I believe I had, I often call there of an evening.

That is no anſwer to my queſtion?——My

My particular view certainly was in taking the man there, as he was determined to follow me, I knew nobody between there and Old-ſtreet.

Between ſix and ſeven at night, in the evening, all the houſes were open, why did not you call for aſſiſtance?——I was fearful of the conſequences.

Court to Jury. Gentlemen, would you have this caſe go any further.

Mr. Bolton, one of the Jury. My Lord, we are all aſtoniſhed the proſecutor did not call for aſſiſtance.

NOT GUILTY.

Tried by the ſecond London Jury before Lord LOUGHBOROUGH.

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198. JOHN MURRAY was indicted for that he, on the 8th of September laſt, did appear in his proper perſon, before the Worſhipful Andrew Coltee Ducarell, L. L. D. then ſurrogate to the Right Worſhipful Dr. Calvert, and did produce and exhibit a certain paper, partly printed and partly written, with the name William Hoar, thereto ſubſcribed, and then, and there, feloniouſly did take a falſe oath, to the purpoſe and effect following, that is to ſay, that that paper contained the laſt will and teſtament of William Hoar, and that he was the executor; whereas in truth and in fact, it did not contain the ſaid laſt will, and he was not executor thereof, with intent to obtain the probate, in order to receive the wages and pay due from our ſaid Lord the King againſt the ſtatute.

The indictment opened by Mr. James, and the caſe by Mr. Silveſter.

THOMAS STEBBING *ſworn.*

I belong to the Navy-office.

Have you the books of the Gibraltar there?——Yes.

Can you inform the Court whether there was ſuch a man as William Hoar, as quarter-maſter?——No.

Does there appear upon the book, a man of the name of Orr?——Yes, as quarter maſter, entered the 18th of January, 1782. and died the 20th of June, 1783.

Does there appear any ſuch name as Hoar, before that time?—There was not, there books are kept by the Captains of the ſhips, and returned to the Navy-office, ſigned by the Captain, and three other officers.

Court. Have you looked over theſe books?——Yes.

You have examined the books of the Gibraltar carefully?——Yes, I find William Orr comes from the Fortitude, to the Gibraltar, and is there entered a quarter-maſter.

Mr. Garrow, Priſoner's Council. Are there two Gibraltars in the ſervice?—This Gibralter was the Phœnix.

Was there an old Gibraltar?—I believe there was, a great many years ago.

Was there a Gibraltar during the laſt war, diſtinct from this?—I believe I have heard of a Gibraltar armed brig.

Was there another Gibraltar in the year 1781?—I really cannot ſay.

Court. You have been deſired to examine the book, is there any perſon of the name of Hoar, or Hore, or Hoore?——None reſembling the name, except this William Orr.

Mr. Garrow. You have told us that you are in the Navy-office?——Not at preſent.

In what department?——In the ticket-office.

What relation has that ticket-office to the book, that you now produce?——The books are produced in that office, ſigned by certain perſons.

Did you ſee them ſign it?—No.

Do you know their hand writing?——No.

Do you know from whom it came?—It came from the Captain of the ſhip.

——SPECK *ſworn.*

I am clerk to Meſſrs. Marſh and Abbot, Proctors, in Doctors Commons, on the 8th

8th of September laſt, the priſoner came to the office accompanied by Mr. Lacey, he brought another perſon at the ſame time, to prove a will, he had brought ſeveral, I wrote the oath on both the wills, and took him before Doctor Ducarell, to get hin ſworn, as the executor in thoſe wills, when I came back to the office, Mr. Lacey deſired I would expedite them as faſt as I could, he aſked me if I could get them done in the courſe of the afternoon.

When this man came to prove the will, you ſay you wrote the oath on the back of the will?—Yes, and took him to Doctor Ducarell, who is the Surrogate.

——— FLETCHER *ſworn.*

This is the will of William Hoar, I brought it from the Prerogative office.

Speck. This is my hand writing, "James Murray the ſole executor named in the within will, was duly ſworn, as ſuch, and that the whole of the deceaſed effects, will not amount in value, to the ſum of one hundred pounds.

Did you attend before my Lord Mayor, when this man was examined?——Yes, he denied ever having been in the Commons, or ever having ſeen me any where.

Now look upon him?——I am ſure as to the man, I have one very particular reaſon to explain to you why I think it; when I had him before Doctor Ducarell, and he kiſſed the book, he put his thumb in this manner, and kiſſed his thumb twice, I aſked him what he meant by that, and I made him kiſs the end of the book, the third time, he ſaid nothing elſe before my Lord Mayor.

Court. You are a witneſs to this oath?—Yes.

Then you was preſent with the Surrogate, and ſaw the priſoner ſworn in the uſual manner?—Yes.

And all that is at the back of the will, excepting the ſignature, is your hand writing?——Yes.

Who gave you inſtructions for writing what is below the atteſtation?——Nobody in particular.

How came you to put it down?—We always give them the deſcription what they were on board of ſhip, I aſked the priſoner, and in conſequence of his information, I wrote that deſcription on the paper.

Mr. Garrow. I ſee that the Doctor's certificate is, that ſomebody, whom you take to be the priſoner, ſwore that he was the executor, and that the effects of the teſtator did not amount to ſuch a ſum?—Yes.

That was the purport of the oath?——Yes.

And that was all?—Yes.

How many people do you think, you have carried ſince September, and in September, down to the preſent time, to be ſworn?——It is impoſſible for me to tell.

Some hundreds?—There may be ſo, but not ſo many of late, owing to ſo many having ſuffered.

Not ſo many of late, but you cannot tell what it is owing to; is it at all ſingular for a man to kiſs his thumb inſtead of kiſſing the book, I know it happens in the common law courts frequently?—I took particular notice of it.

Who is this Lacey, he ſeems a wholeſale dealer?—He came frequently.

Generally with people that cannot read or write?—I have ſeen marks.

Did you ſee the priſoner ſign any name?—No.

But you ſaw him make a mark?——Yes.

Court. Did the priſoner at the bar, put his mark to any thing?——Not that I ſaw.

Why you have ſworn that he did put his mark?—He brought a will ſigned William Hoar.

You do this buſineſs ſo often, that you cannot miſtake it?—No, I ſhould think not, I never ſaw the priſoner but twice.

——— KNIGHT *ſworn.*

I attended before my Lord Mayor.

Are you confident of the perſon of the priſoner?—I am very ſure he is the man; on the 3d of November I happened to be before my Lord Mayor, and a perſon of the name of Griffin was under examination, he is now in cuſtody, for a forgery on the

East-India Company, this man appeared as an evidence on behalf of that Griffin, he appeared to give an account of the manner in which Griffin obtained the poſſeſſion of the will, he was then under examination, for upon his name being called John Murray, and my ſpeaking to my Lord Mayor, my Lord Mayor aſked him if he ever proved any will in the commons, he ſaid no, he never proved a will in his life.

Court. Was his examination taken in writing?——No, my Lord Mayor deſired him to ſtand on one ſide till Griffin's examination was over, but he took an opportunity to quit the room, and was not ſeen for two or three days after; when Griffin was again examined, I mentioned my ſuſpicion, and the Lord Mayor ordered him to be taken into cuſtody, he was then aſked, and alſo upon his examination, which I believe was the 6th, he was aſked whether he ever proved that will, he ſaid no, he never did, he was aſked whether he was deſcribed in the will, as the well beloved kinſman of the deceaſed, if he knew the deceaſed William Hoar, he ſaid he never knew any ſuch perſon; I deſired the laſt witneſs to be preſent at the examination, and Mr. Speck upon that gave evidence, poſitively ſwearing he had been to prove the will of William Hoar, he ſaid he never ſaw Mr. Speck, or knew any thing of the tranſaction.

Did the priſoner ſay any thing more reſpecting this buſineſs, or reſpecting himſelf?——It does not occur to me he ſaid any thing more.

Then the firſt time he attended as a voluntary witneſs?—Yes.

He was apprized of your ſuſpicion?—I do not know.

At the diſtance of two days he came again, as a voluntary witneſs?—He did.

Do you know Mr. Lacey?—I have ſeen him once.

You know him in your official character?—I believe Lacey has been the forger of a great number of wills.

JOSEPH MANGROVE *ſworn.*

I was a ſeaman on board the Gibraltar, I knew William Orr, he was quarter-maſter.

Did you know him on board any other ſhip?——No.

How long did he ſerve?——About two years, he made a will juſt before the action came on, that was in June, I ſaw it after it was done, he often told me he had a father.

Did you know on board that ſhip, any man of the name of Sullivan, or John Murphy?——No.

Mr. Garrow. How long was you on board?——Two years and a half.

Mr. Silveſter. Was there any ſuch man on board that ſhip as William Hoar?——Only one, and he was quarter-maſter.

You do not pretend to remember all the names?——I remember only one.

Do you ſtate the names of all the people that were preſſed in, and turned out?—No.

How many was the complement of that ſhip?——I cannot ſay.

Upwards of ſix hundred, was not it?—I believe it was.

It was an eighty gun ſhip?—She was.

She was in the room of one that was loſt?——I believe ſhe was.

Do you know the Gibraltar brig, and ſtore ſhip?——No.

It appearing that this oath was taken in the name of James Murray, and he being indicted by the name of John Murray, it was not charged in the indictment, that he pretended to be James Murray, and took an oath as ſuch, although he was a different perſon, and the names of William Orr and William Hoare being ſo eſſentially different, the Court informed the Jury that there was nothing to put the priſoner on his defence, and he was

ACQUITTED.

Tried by the ſecond London Jury before Lord LOUGHBOROUGH.

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199. THOMAS WAGG was indicted, for that he, on the 27th of October laſt, feloniouſly did utter and publiſh as true, a certain falſe, forged, and counterfeited will and teſtament, partly printed and partly written,

written, ſubſcribed by one Charles Lightowler, as, and for his laſt will, with intention to defraud our Lord the King.

A Second Count, for uttering the ſame with intent to defraud Samuel Day.

The witneſſes examined ſeparate, at the requeſt of the priſoner.

WILLIAM DICKENSON *ſworn.*

I was clerk to Mr. Jones, when the priſoner came to the office, which was in October, I perfectly remember the man, he came to obtain a probate of a will, he ſaid he was the executor, he ſaid nothing about any perſon whoſe will it was; he was ſworn, he went before the Surrogate, and the uſual oath was admininiſtered.

THOMAS CARPMEAL *ſworn.*

I am one of the officers of Bow-ſtreet; *(Produces the will)* this was given to me by Juſtice Addington, who had it from the priſoner and Mr. Burgeſs. Mr. Reynolds has had it, but it is the ſame will, I was preſent when the priſoner ſigned it, and when Mr. Burgeſs ſigned it before the Magiſtrate.

(The will ſhewn to Mr. Dickenſon.)

Mr. Dickenſon. It is the ſame will, I know it by the writing that appears on the back, I wrote the Jurata, which is on the back.

(The will read.)

Mr. Silveſter. Did you hear what the priſoner ſaid before the Magiſtrate?—Yes, they came to the Brown Bear.

Court. Hand me up the will; who wrote thoſe words, "the deceaſed belonged to his Majeſty's ſhip," &c. who gave you that deſcription?—The priſoner at the bar.

Are you ſure of that?——Very ſure.

You are clear you took that deſcription from him?——Very clear.

Carpmeal. Burges and the priſoner came to me, and aſked me if I knew Mrs. Lightowler, I ſaid yes, ſhe lived next door to me, they ſaid ſhe had taken a falſe oath, by taking out adminiſtration, for young Lightowler had made a will to this man.

BENJAMIN JONES *ſworn.*

Was there adminiſtration granted to the mother of this man?——I only ſaw that the clerk had made ſuch a notification, probate was refuſed to the priſoner on account of the adminiſtration.

Court. How came they to adminiſter the oath to this man if they had granted adminiſtration?—It was not known till it came into the office.

Carpmeal. Knowing the mother before he went out, the priſoner and Burgeſs ſhewed me the will, and told me they had been to the Commons, and found ſhe had adminiſtered; I told them they had better wait till the Magiſtrates ſat, and then acquaint them with it, in the mean time I applied to Mrs. Lightowler, her name is Day now, and I acquainted her, that there were two people with a will of her ſon, who I underſtood was loſt in the Ville de Paris.

Did they wait to ſee Mrs. Day?—They were waiting to go before the Magiſtrate, and I told them they had better go and aſk him.

What did they complain of?—They wanted to ſee Mrs. Lightowler, they complained ſhe had taken a falſe oath, for the priſoner had a will and power, and they waited to ſee her, they waited three or four hours, and when the Magiſtrate ſat, they went over with Mrs. Day and her ſon, when Mrs. Day came to the Office, they produced the will, the priſoner ſaid he had the will from Charles Lightowler, at New York, that Lightowler was ſick at quarters, and this priſoner attended him; he told the Magiſtrate he lent Lightowler ſome money while he was at ſick quarters. Mrs. Day then produced ſome letters of her ſon's writing; I cannot be ſure that he mentioned the name of the ſhip.

Was this man's examination taken in writing?——I do not know, the priſoner was aſked what ſort of man he was, he ſaid, he

he appeared to be about eighteen or nineteen, that he was a man of about five feet ſeven, pitted with the ſmall-pox, and dark hair, he ſaid dark hair, and we all ſaid, that we knew him perfectly well, many years before he went out, and that he had light hair, and was not marked with the ſmall-pox.

RICHARD JEFFRIES *ſworn.*

I knew Charles Lightowler perfectly well, I have ſeen him write often, I was acquainted with his hand-writing.

Are you ſufficiently acquainted with his writing, to tell us whether this is his?——I knew him from the firſt time that ever he wrote the firſt copy.

Court. Did he write a pretty good hand?——Yes, a very good hand. *(Looks at the will.)* I do not believe this to be his ſignature, to the beſt of my knowledge: I was preſent at Bow-ſtreet.

Court. Tell us what paſſed; was what the priſoner ſaid taken down in writing?—Yes, I believe it was.

What reaſon have you for believing the name of Charles Lightowler, ſigned to that paper, not being his writing?—By ſo often having ſeen his writing, and I was ſo well acquainted with his writing I thoroughly knew it.

Is that the ſame kind of writing?—No.

What particular reaſon have you for thinking this is not his hand writing?——He always left the letters open, the *L* and *H* open at top, and the *R*'s were not the ſame, to the beſt of my knowledge I do not believe it to is his hand writing; I believe he had been abroad about three years.

Mr. Alderman Watſon. You ſay you have examined the written part of this will?—I have.

Do you think that any part of the written part of this will is the hand writing of Mr. Lightowler?—I do not.

JOHN FOWLER *ſworn.*

I know Charles Lightowler, the ſon of Mrs. Day, I taught him to write five or ſix years ago, I ſuppoſe he was then about thirteen or fourteen; I have not had occaſion to know much of him ſince.

Look at that will.——It does not appear to me to be any part of his hand writing.

Court. Has it often happened to you to know theſe young perſons hands whom you have taught, ſome time afterwards?—Yes, it has.

Then pray, Sir, have you not very frequently obſerved the hand writing of perſons to change very much, after they have learned to write?——Yes, I have.

ANDREW M'LANE *ſworn.*

Did you know Charles Lightowler?—Yes.

Have you ſeen him write?——Many a time.

Look at that ſignature, and tell us if that is his hand writing?—It is different from his general mode of writing, I ſhould think it was not, but I will not ſwear to it poſitively; I was ſhip's ſteward when he was on board, then I was Captain's clerk after he went away.

Was he ever at ſick quarters at New-York?——Never, we were at New-York from about the 14th or 15th of November to the 1ſt day of December, 1780, he never was at ſick quarters during that time.

Can you undertake to ſay poſitively, the deceaſed was never on ſhore at New York?——I cannot ſay he was not on buſineſs or pleaſure.

Have you not been frequently at New York?——I have been frequently on ſhore there.

Do you remember there was any ſeaman on board the Prince William of the name of James Murray?—I do not remember any of that name.

Any body of the name of Thomas Williams?——I do not recollect whether there was or no, I do not recollect any ſuch perſon as James Murray on board.

BENJAMIN SWIFT *ſworn.*

I was ſurgeon's mate on board the Prince William.

Did

Did you know Charles Lightowler?—I did, he was Captain's clerk, I knew his hand writing. *(Looks at the will.)* That is not his hand writing; I was with him at New York, I meſſed with him ſome part of the time, we were there three months.

Was there any perſon on board of your ſhip of the name of James Murray or Thomas Williams?——No.

Court. You have often ſeen him write?——I have frequently.

Are you well acquainted with his hand writing?——I know it perfectly well.

Do you think it quite unlike his hand writing?——I do.

RICHARD LIGHTOWLER *ſworn.*

What relation are you to the deceaſed?——Brother.

Have you given a releaſe; do you mean to claim any part of the effects?——I have releaſed all claim; when the priſoner was examined before Sir Sampſon, I did then ſay, that I believed the two firſt lines were the writing of my brother, but I had not ſo good a view as I have had ſince.

Was the examination taken in writing?—I cannot ſay.

Priſoner. When I firſt ſhewed him the will, did not he acknowledge it to be his brother's hand writing, and aſked me how I came by it?——I did not.

A WITNESS *ſworn.*

I knew Lightowler, I ſerved on board the ſame ſhip. *(Looks at the will.)* I do not think it is his hand writing.

Court to Lightowler. Then when you was examined, you rather inclined to think it to be his hand writing?——Yes, upon a former examination.

Court. Suppoſe you had ſeen this piece of paper, or that piece of paper, could you have doubted whether it was his hand writing?—I could not, I believe that paper to be my brother's.

THOMAS FAWCETT *ſworn.*

I know his hand writing, that is not at all like his hand writing.

Court to Swift. How long was the Prince William at New York?——I think about three months, I cannot charge my memory, we left New York ſome time in December, it was either the latter end of November, or beginning of December.

Court. I ſuppoſe the men were frequently on ſhore at New York?—I recollect his once going on ſhore, on the 14th of November, 1781.

RICHARD BURGESS *ſworn.*

Relate all you know of this.—On Wedneſday the 3d of November, the priſoner at the bar made application to one Mr. Comford, a dealer in clothes, he ſays to him, you have known me a good while, I was committed to Tothill-fields, Bridewell.

Court. I will not examine him to the declarations of the priſoner; do you know any thing of the matter, except what the priſoner has told you?—Yes; I was in perſon with the priſoner at the Brown Bear, by Mr. Jones's deſire, it was wrote upon the will, "Mrs. Day, dealer in clothes, Bow-ſtreet, Covent-garden." Mr. Jones ſaid he ſhould be glad to ſee Mrs. Day, then I went with the priſoner to Mrs. Day, at the hoop and petticoat warehouſe; I went in and aſked if that was Mrs. Day's, ſhe was not at home, the priſoner aſked young Mr. and Mrs. Lightowler, whether they had not a brother caſt away in the Ville de Paris; they ſaid they had; I ſaid, Mr. Jones, the proctor would be glad if Mrs. Day could come to him; they both of them looked at the will, and they ſaid they believed that muſt be a forged will; young Mrs. Lightowler ſays to her brother, go next door and fetch Mr. Carpmeal, the officer; the man ſaid they might fetch whom they would: no officer came, and we were at full liberty; Mrs. Day ſaid, at the examination, ſhe looked upon ſome part of the will to be her ſon's hand writing: we went into the Brown Bear.

What ſhip did Wagg belong to?——I do not know.

Court. Look when the deceaſed was turned over from the Triumph to the

Prince William?——The 21ſt of June, 1781.

Lightowler. I ſaw my brother the 5th of November, and twenty-four days before this was executed, my brother came on board the Barfleur to ſee me, he was then upon very good terms with all the family.

Priſoner. Aſk him, whether he did not acknowledge the hand writing to be his brother's hand writing?

PRISONER's DEFENCE.

In the firſt place, when I ſaw Mr. Lightowler, he was very genteelly dreſſed; he was going to ſell a white ſhirt that very day, when I firſt became acquainted with him, I did not belong to a King's ſhip, he had a blue coat on, he uſed to uſe a houſe that I did, ſeeing he was a man of war's officer, I lent him money many different times; when I was going away from New York to Charles Town, he ſaid to me, I will make you a will to take to England.

Who was James Murray?——He was a man that lived on me, and Williams kept the Plate of Oyſters, in the Fly Market at New York; I told Mr. Lightowler my witneſſes were at New York.

GEORGE COMFORD *ſworn.*

I have known the priſoner a great many years, I never ſaw any thing of him but a very honeſt man, as far as ever I knew.

What are you?——I keep a clothes-ſhop in Roſemary-lane.

What is the priſoner?——A ſeaman.

Can he read and write?——Not that I know of, I never ſaw him write.

JANE WRIGHT *ſworn.*

I have known the priſoner, he has lived with me two years.

What character does he bear?—A very good one, he was a very ſober, honeſt man.

Where do you live?——In Virginia-ſtreet.

Court to M'Lane. I think you ſay you ſucceeded Lightowler as Captain's clerk?——Not immediately, there was one intervened, I was on board when Lightowler was turned off as Captain's clerk, the 15th of April 1782, he continued Captain's clerk till he left the ſhip.

In what ſituation did he go on board the Formidable?——In the ſame ſituation.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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200. LAWRENCE CARTER was indicted for feloniouſly aſſaulting John Howarth, Eſquire, on the 14th of November, on the King's highway, putting him in fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſteal watch chain, value 12d. one white cornelian ſeal, ſet in gold, value 20s. one red cornelian ſeal, ſet in gold, value 20s. and one cryſtal ſeal, ſet in gold, value 20s. his property.

JOHN HOWARTH, Eſq; *ſworn.*

On Sunday evening, the 14th of November laſt, between ten and eleven, I was going home down by Charing-croſs, on the ſide next Whitehall, I had a gentleman with me in company, my chain hung out of my pocket, a man ſnatched at my watch, I had then no great coat on, and my watch chain was very viſible; I put my hand, and found the ſeals were gone, but my watch was left; I cannot deſcribe who took them.

John Cooper, a pawnbroker, produced one of the ſeals, which had been pawned by Anna Maria Bouſted, who ſaid ſhe had them of the priſoner, and the priſoner ſaid he picked them up under ſome hay, near Johnſon's-court, Charing-croſs.

Bouſted depoſed to the ſame effect.

Priſoner. I found the things.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

201 JOHN

201. JOHN CHAMBERS was indicted, for that he, well knowing that one James Witty, deceaſed, had lately ſerved our Lord the King on board the Exeter, and that certain wages and pay were due to him, on the 23d of October laſt, feloniouſly did utter and publiſh as true, a certain falſe, forged, and counterfeited paper, purporting to be *a laſt will*, dated the 4th of December, deviſing the ſame to the ſaid Thomas Chambers, and appointing him executor thereof, in order to receive the ſaid wages and pay, due to the ſaid James Witty.

Mr. Garrow, Priſoner's Council. The will purports to be a laſt will.

Mr. Silveſter, Council for the Proſecution. The act ſays, "if any perſon ſhall forge a will."

Court. But it muſt be the will of ſomebody.

Court to Jury. Gentlemen, as we are of opinion, in this caſe, the indictment is defective, it is unneceſſary to trouble you with evidence.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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202. JOHN MILES was indicted for that he, on the 5th day of October, feloniouſly and falſely did make, forge, and counterfeit, a certain deed, purporting to be a bill of ſale, of Robert M'Cormick, ſeaman, lately belonging to the Eaſt India ſhip, called the Earl of Talbot, in conſideration of ten pounds eighteen ſhillings, paid by Daniel M'Cartey, purporting to be a bill of ſale to the ſaid Daniel M'Cartey, of all his wages and pay due to him, as his, and their own proper goods and chattles, and to his and their own proper uſe and uſes for ever; which ſaid bill of ſale was dated the 5th of October, 1784, and ſealed and delivered in the preſence of Nathaniel Darby, and Keefe O Keefe, with intent to defraud the ſaid Daniel M'Cartey.

A ſecond count for uttering the ſame, with a like intention.

The proſecutor and one of the ſubſcribing witneſſes could not identify the priſoner, but the other ſubſcribing witneſs ſwore poſitively to him, the priſoner in his defence ſaid M'Cormick owed him five guineas, and gave him a note for that ſhip, which he ſold to the proſecutor, as other young fellows had done, he went on board the next day to M'Cormick, who paid him what he owed him, and gave him half a guinea for his trouble.

The Priſoner called one witneſs who gave him a good character.

The Jury retired for a ſhort time, and returned with a verdict

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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203. LEWIS HENRY SCIPIO DUROURE, late of St. Paul's, Covent Garden, in the County of Middleſex, Eſq; was indicted for that he, being an evil diſpoſed perſon, and of a wicked diſpoſition, after the 1ſt of June, 1723, to wit on the 21ſt of November laſt, with force and arms, in the Pariſh aforeſaid, with a certain piſtol, loaded with gunpowder, and a leaden bullet, which piſtol he then and there had and held in his right hand, unlawfully, wilfully, maliciouſly and feloniouſly, did ſhoot at one Huxley Sandon, Eſq; the ſaid Huxley Sandon, then and there being in the peace of God and our Lord the King, in the dwelling houſe of James Brewer and John Sandy, againſt the form of the ſtatute, and againſt the King's peace.

The indictment was opened by Mr. Chetwood as follows.

My Lord and Gentlemen of the Jury, This is an indictment as you have heard againſt the gentleman at the bar, for wilfully and maliciouſly firing at Huxley Sandon, Eſq; a loaded piſtol: Gentlemen there is no attempt on the part of the proſecutor, to carry this further than the facts will go, therefore

therefore I ſhall only ſay in opening this caſe to you, that the proſecutor and the priſoner, had been for a long time in habits of friendſhip, the priſoner always had acceſs to the houſe of the proſecutor, and they were in great friendſhip and intimacy; ſometime ſince it was ſuppoſed the priſoner was going to France, or Italy, and he went to the houſe of the proſecutor, and prevailed on the wife of the proſecutor to accompany him to Dover, and accordingly ſhe did accompany him to Dover; the proſecutor enraged and angry at that time, no doubt of it, purſued his wife and his friend to Dover, however they eluded the ſearch, and came back to town: Information was given after ſeveral endeavours to find them, that they were at a Bagnio, in Long Acre, the proſecutor and his friends went to ſearch there, they were denied, but the proſecutor and his friends had reaſon to think that they either were in the houſe, or coming to the houſe, as they had been in the houſe, and were very well known there, the man ſaid at firſt they were not there, and he did not know them. However from ſeveral expreſſions, the proſecutor and his friends were convinced that they did know the priſoner, and in a little while after they heard the feet of two people walking, as if in great confuſion over their heads, and they were then pretty well ſatisfied, that the priſoner at the bar was in the houſe, and was in company with Mrs. Sandon, who has been the unfortunate cauſe of this proſecution; Gentlemen, the proſecutor and his friends went up ſtairs, there they met a ſervant, coming out of a room with a candle in her hand, and one of the friends of the proſecutor took a candle from her, and they were going to enter the room, Mr. Sandon the huſband, was going in firſt, he was willing and deſirous to be thoroughly ſatisfied, whether the priſoner and his wife were there or not, and immediately a piſtol was fired by ſomebody; that it was loaded, was moſt certain, becauſe the ball paſſed through a part of his hat, there was no light in the room at the time, but however, he ſaw by the firing of the piſtol, that it was perhaps the priſoner at the bar, he was pretty poſitive at that time, however, they called freſh aſſiſtance and took the priſoner and Mrs. Sandon; the witneſſes will inform you, in what ſituation they found the priſoner at the bar, and how they found Mrs. Sandon, I believe they were both armed at that time, Mrs. Sandon had piſtols loaded in her hand, as well as the priſoner; whether or no, the priſoner was the perſon that fired the piſtol at Mr. Sandon, it will be for you to enquire; there is little doubt, I ſhould apprehend, that it will be proved to be him; if you find that he fired the piſtol, you will have no difficulty in pronouncing him guilty of ſhooting, maliciouſly and felonioufly, againſt Mr. Sandon: Gentlemen, we ſhall call our witneſſes and prove the facts; and if you believe he was the perſon that fired the piſtol at the proſecutor, you will find him guilty.

MARY JONES *ſworn.*

Examined by Mr. Chetwood. Where do you live?——At the Royal Hotel, in Long Acre.

Did you live there in October laſt?——Yes?

Did you ever ſee the priſoner at the bar?——Yes.

Did you ever ſee him at that houſe?—Yes.

Do you remember him there on the 24th of October, and do you remember Mr. Sandon, the proſecutor, coming to that houſe?——Yes.

Was the priſoner in the houſe at that time?——No Sir, not when they came in firſt, he was out.

Did he come in during the time Mr. Sandon was there?——Yes, and he went up ſtairs into the room.

Who was with him?——A lady.

Did you ſee Mr. Sandon go up ſtairs afterwards?—No, I was in the room with the Count, at the time they came up ſtairs.

Did you come out of the room and ſee Mr. Sandon?——I came out of the room, but I do not recollect ſeeing Mr. Sandon; I was in the room, and the Lady ſaid ſhe would

would fire at the firſt perſon that came into the room, the bell rang in the room where the Count and the lady were, and I anſwered the bell.

Were they armed?——The lady was, but I do not recollect ſeeing piſtols in the Count's hands, I ſaw piſtols in the lady's hands, the lady ſaid ſhe would fire at the firſt that came in, for ſhe would ſooner die than go with them.

Did the lady mention any names, or had any been mentioned to her?—No Sir, ſhe ſaid ſhe would kill the firſt that came in, ſhe would fire at the firſt that came in, for ſhe would ſooner die, than go with them.

(The Count deſired a chair that he might ſit down to take notes. A chair ordered.)

When you came out of the room, did you leave any candle in the room?——I brought out the candle, and ſomebody took the candle, but who it was I cannot ſay, I did not ſtop a moment, I was frightened and came down ſtairs.

Mr. Erſkine, and Mr. Garrow, Priſoner's Council.

Mr. Erſkine. Pray my girl, had Mrs. Sandon any more piſtols than one?——She had two, I do not recollect the count had any, ſhe was dreſſed in mens cloaths, and had a piſtol in each hand.

You are ſure it was her, that ſaid ſhe would fire at the firſt man that came in?—Yes,

What houſe is this?—The Royal Hotel, in Long Acre, I live there as a ſervant.

Who is this houſe kept by?——By Mr. James Soundy, and John Brewer, they are partners.

You are the ſervant?—Yes.

What is Mr. Brewer's Chriſtian Name?—John.

What is Mr. Sandy's Name?—James Soundy.

Mr. Erſkine. Then there is an end of it; my Lord, I ſubmit here is a fatal variance on the indictment.

Court to Mr. Chetwood. What do you ſay to this?—Mr. Chetwood, I ſubmit it may be conſidered as ſurpluſage.

Mr. Erſkine. It is too plain, it is A. B. C.

Court. Gentlemen of the Jury, there can be no doubt at all in this caſe, they have taken upon themſelves to ſtate in the indictment, whoſe houſe it is; I do not know that it was neceſſary for them to have ſo done, but having done it, they are bound in point of law to prove it, and the evidence turns out that it is not the dwelling houſe of James Brewer and John Sandy, but of James Soundy and John Brewer, that is a fatal variance in the indictment, and where a man is charged on a capital offence, ſtrict law is adhered to, ſo that you cannot do any thing but acquit him.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

MISDEMEANOR.

204. MARGARET SMALL was indicted for feloniouſly receiving, on the 15th day of October, one feather bed, value 5l. three blankets, value 20s. and a counterpane, value 20s. the property of Rice Jones, ſtolen by a certain ill diſpoſed perſon, well knowing the ſame to have been feloniouſly ſtolen.

GUILTY.

To be fined 1s. *and impriſoned two years in Newgate.*
Tried by the third London Jury before Mr. RECORDER.

ERRATA.

In the firſt Trial of Richard Smith, for *Guilty*, read, *Not Guilty*.
In the ſecond Trial of ditto, for *Guilty*, read, *Guilty, Death*.
In the Trial of Edward Garth, for *Guilty*, read, *Guilty, Death*.
In the Trial of Richard Hobſon, for *Guilty*, read, *Guilty, Death*.

The Seſſions being ended, the Court proceeded to give Judgment as follows:

Received ſentence of death, 31.

James Dunn, John Evans, George Robinſon, James Hamilton, William Stewart, William Aſtell, William Giles, Philip Patch, Henry Rutter, Allen Williams, Thomas Tabbs, George Harris, John Shaw, Thomas Buttledoze, John Moody, Richard Smith, Thomas Cale, George Goldſmith, Laurence Hall, John Jones, Richard Hobſon, William Finder, William Abbott, John Kelſey, William Benton, Melvin Simmons, Edward Garth, James Smith, Ferdinand Dowland, Samuel Warner, and Edward Johnſon.

To be tranſported for fourteen years, 1.

Elizabeth Colley.

To be tranſported for ſeven years, 39.

Charles Stone, Andrew Simms, John Jeff, William Smart, Joſeph Davis, John M'Gowan, William Cox, Alexander M'Donald, Thomas Watſon, James Davis, James Thomas, Iſaac Warren, John Caſhon, William Hall, Benjamin Ingram, Thomas Wale, Luke Rogers, William Gilbert, Edward Humphreys, Michael Sullivan, George Franciſco, Edward Brett, Iſrael Silcock, Mary Bramham, Robert Jones, Benjamin Weſt, James Hobbs, Charles Medley, Catherine Hart, Nicholas Greenwell, Robert Freeman, Dennis Hayes, Jonathan Payne, William Bacot, Iſaac Dukes, George Newton, William Thomas, Thomas Clarke, and Nicholas Engliſh.

To be impriſoned in Newgate two years, 1.

Margaret Small.

To be confined to hard labour twelve months in the Houſe of Correction, 3.

William Nobes, Mary Horton, and Margaret Murphy.

To be confined to hard labour ſix months in the Houſe of Correction, 8.

Thomas Bolton, Richard Brady, William Wills, William Smith, Lara Iſrael, Elizabeth Burley, Mary Birch, and Elizabeth Pritchard.

To be impriſoned three months in Newgate, 1.

Hannah Trotter.

To be publickly whipped, 25.

Abraham Slater, William Jackſon, John Bryant, Edward Craker, William Wills, James Lee, John Fullman, John Birne, George Varlow, Charles Howard, William Cooper, John Morgan, John Lipper, Thomas M'Cann, Iſaac Dupree, James Coxes,

Coates, John How, James Cook, William Wild, William How, Edward Wright, John Halway, John Evans, James Matthews, and John Taylor.

To be fined one ſhilling, 6.

John Grattan, Ann Petrie, Samuel Lane, Elizabeth Brown, James Brotherton, and Joel Abrahams.

To be fined ſixpence, 1.

Robert Jones.

Richard Marſh was called to the bar, and informed by the Court, that his caſe was reſerved till the opinion of the twelve Judges on the caſe of Humphry Moore was declared, as it was governed by that, being exactly ſimilar, and there was no ground, either in fact or law, for drawing any diſtinction between them; and the Judges having declared their opinion, that the caſe of Moore amounted to a felonious ſtealing, the ſentence of the Court upon him the ſaid Richard Marſh was, to be tranſported for ſeven years.

John Weſtwood was ordered to remain till next Seſſions.

Hickman and Dias to remain on their former order.

Robert Abel, capitally convicted at a former Seſſions, received his Majeſty's pardon, upon condition of being tranſported for ſeven years.

John Ruglaſs, a tranſport to the coaſt of Africa, who had been found at large, was ſet to the bar, and confeſſed he was the man that had received his Majeſty's pardon, on condition of being ſo tranſported; but alledged, that Governor Lacey, the Governor of the iſland, ſent them off, and would not give them any victuals: he was ordered to remain under under his former ſentence, and told he muſt repreſent his caſe to the King, and apply to him for mercy.

*** The next Seſſions will begin on Wedneſday the 12th of January, 1785, at the Old Bailey.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY 1785, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Right Honourable SIR JOHN SKYNNER, Lord Chief Baron of his Majeſty's Court of Exchequer the Honourable SIR WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JOHN HEATH, Eſq. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
John Paley	Richard Mountain	John Page
James Boulton	James Hopkins	John Fell
Robert Tunno	John Paſs	James Smart
Joſeph Pugh	John Young	John Merrell
Thomas Rogers	Richard Hett	Charles Newton
Joſeph Hand	Peter Weſtcott	William Holbrook
Gilbert Hallard	Richard Parkes	John Arthur
William Schooley	Thomas Blencow	Philip Rawlins
George Reeve	Thomas Kendall	Samuel Acton
Samuel Laurence	George Sage	William Prieſt
Benjamin Wriggleſworth	William Puddiford	George Roberts
William Jacobſon.	John Flaxman.	John Parry.

205. THOMAS FORD was indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of Patrick Concoran, about the hour of one in the night, on the 5th of November laſt, and burglariouſly and felonioufly ſtealing therein, two linen ſhirts, value 12s. one linen ſhift, value 12d. two linen ſheets, value 5s. two linen handkerchiefs, value 3s. two caps, value 2s. two pair of muſlin ruffles, value 12d. one pair of cotton ſtockings, value 2s. three copper pottage pots, value 12s. four ſaucepans, value 5s. the property of the ſaid Patrick.

PATRICK CONCORAN *ſworn.*

I am a victualler, I went to bed at ten o'clock, my wife ſet up after me, I came down about five in the morning, on the 5th of November, I lighted the fire, and there is a bit of a yard belonging to the houſe, fenced in, and a door to it, I went out to open that door, and I found it was open, there is a communication between the waſh-houſe and the kitchen, and a door between them, there was the mark of iron, and there are three bolts to the door, I ſaw the priſoner and two more young fellows were at our houſe about two hours, the night previous to the robbery, they went away about eight; I knew the priſoner a boy, he lived in the neighbourhood where I came from, and his father and mother; we went to ſearch the priſoner's lodgings, and found nothing, and I ſaw the priſoner at the door of a neighbouring private houſe, then I called the officer out, and we went and took him, I charged him with ſuſpicion of the robbery, and he ſaid.

Did you tell him it would be better for him to confeſs?—I did.

Then you muſt not ſay what he ſaid.

CATHERINE TAFF *ſworn.*

I am a waſherwoman, I left the things in the waſh-houſe of the proſecutor, the night the houſe was broke open, about ſeven at night, and I bolted the door with three bolts.

ELEANOR ANDERSON *ſworn.*

I ſaw the door faſtened when I went to bed about eleven; my miſtreſs was up and other people.

WINEFRED CONCORAN *ſworn.*

I was the laſt that went to bed, the waſh-houſe door was ſhut, but I did not go to ſee whether it was faſt or not, it wanted a quarter to twelve.

GEORGE FORRESTER *ſworn.*

We took the priſoner in New Gravel-lane, at a public houſe, and at the back part of his coat, taking him up to the juſtice, I found this pair of cotton ſtockings wringing wet.

Priſoner. No it was not the back part of my coat, it was in my pocket.

Forreſter. We found alſo a flint and ſteel upon him.

Court to Proſecutor. When did you apprehend the priſoner?——The ſame morning.

Mrs. Concoran. I believe them to be mine, I will not ſay poſitively, I had two pair in the waſh, that were darned, they may be mine, they are like mine, there are no marks but the manufacturers, and being darned, but other people may darn the ſame.

JOHN ORANGE *ſworn.*

On ſearching the priſoner, in his jacket pocket I found a maſk, and a flint and ſteel, and tinder box, with tinder in it; I found no clothes.

Court to Mrs. Concoran. Do you believe that darn to be your own, can you diſtinguiſh it from any others?—No I cannot.

Was any thing elſe found upon him?—Nothing elſe.

Court. Gentlemen of the Jury, here is no evidence to affect this man.

NOT GUILTY.

Court to Priſoner. There is too great reaſon to think you have been guilty; I hope it will be a warning to you in future.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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206. WILLIAM MOORE, otherwiſe RANSMORE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Long, about the hour of ſeven in the night, on the 27th of December, and burglariouſly ſtealing therein, one cotton gown, value 4s. one linen gown, value 4s. one cloth coat, value 15s. one waiſtcoat, value 2s. two black ſilk mode cloaks, value 10s. two coverlids, value 2s. two blankets, value 5s. three ſheets, value 5s. one linen apron, value 2s. and two frocks, value 5s. his property.

JOHN

JOHN LONG *ſworn.*

I live in White-croſs-ſtreet, my houſe was broke open on Monday the 27th of December, I was out, I went out at half after four, I locked the door and left nobody at home, I am quite clear it was locked; I came home about half after eight, when I went in, I found the door open, and the drawers and the bed ſtripped, and ſome things out of a box that was up ſtairs; I ſaw the priſoner on the Wedneſday following, before Juſtice Blackborough.

ALEXANDER MARTIN *ſworn.*

I was at my maſter's a merry making, on the 27th of December, and the thieves came running through Play-houſe-yard, we met three men, one of which was the priſoner, with a great bag on his ſhoulders, to the beſt of my knowledge, I think it was him, I ſaw my ſhopmate lay hold of him, he was never loſt, I picked up a a bundle cloſe to the heels of the man, that had it before, and that was the ſame man to the beſt of my knowledge, I ſaw the priſoner come along Play-houſe-yard, with the bundle on his ſhoulder.

Did Robinſon lay hold of the ſame man that had the bundle?——Yes, I took the bundle, and put it into a chandler's ſhop, then it was taken to the Juſtices, and Mr. Wyer had it.

JAMES ROBINSON *ſworn.*

Going through Playhouſe-yard, we met the priſoner and two more, each of them had a bundle, and I catched the priſoner by the collar, he immediately dropped the bag, and my ſhopmate picked it up, it was the ſame bundle, he was taken before the Magiſtrate.

DOUGLASS WYER *ſworn.*

I am a conſtable, I took charge of the priſoner from the laſt witneſs.

ANN LOUGH *ſworn.*

(Depoſed to the things.)

One of the black cloaks I know particularly, by having a little darn of my own darning, I am quite ſure of it; the other is my ſiſter's, ſhe left her black cloak with me on the Sunday night; this frock I know, it is one of my children's; and this white frock I know, and the two gowns, I have the patterns in my pocket of them; I have no doubt of the blankets.

PRISONER's DEFENCE.

As I was going down Playhouſe-yard, two men dropped a bundle down, and they came and took me; I did not come home that night at all.

Court to Proſecutor. Was it light or dark?——It was not dark.

What may be the value of theſe things that are found?—I cannot ſay, about fifty ſhillings.

GUILTY

Of ſtealing to the value of 39s. *but not of the burglary.*

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

---

207. WILLIAM TAYLOR was indicted for feloniouſly ſtealing, on the 31ſt of December, one plate glaſs for a coach door, value 15s. one hammer cloth, value 2s. the property of John Whitworth.

JOHN ARMSTRONG *ſworn.*

On the 31ſt of December, between ſeven and eight, I was coming by Biſhopſgate Church, I ſaw the priſoner with this under his arm, wrapped in a hammer cloth, I aſked him what he had there, he ſaid it was no matter to me; I ſaid I ſhould ſtop him, for I ſuppoſed it was a coach glaſs, and I found it was ſo; he ſaid it was, and he was going to Long-acre; I took him up, the next day we advertiſed it, and the coachman came and owned it.

DANIEL HARPER *ſworn.*

I was with the laſt witneſs when he ſtopped the man, theſe things were found upon him

him, they have been at Mr. Wilmot's Office ever ſince, locked up; I did not hear what the priſoner ſaid at firſt.

(The hammer cloth depoſed to by the proſecutor, by the lacing.)

Proſecutor. There never is two hammer cloths alike, the glaſs has a ſtring to match it, that was cut off; I am ſure it is the glaſs almoſt, I will not ſwear to it; I know it alſo by the colour of the cloth, and the make, I have looked at it before; I ſerve a lady with a job, it is her coach and her hammer cloth, it is not my property, nor the coach glaſs neither; the carriage was ſtanding at a coach-houſe, at the Two Swans, which belongs to me, the things were taken from thence, I am anſwerable for every thing that is loſt.

How ſo?——I paid for a carpet that was loſt out of the coach once before; ſhe ſays ſhe has nothing to do with it; I always underſtood it as my property, it is in my care always; I hire the coach-houſe and ſtable.

Court to Jury. This latter explanation of the property being in the poſſeſſion of this witneſs, and his conſidering himſelf anſwerable for it, goes a good way towards the property being his, becauſe, in the caſe of a carrier, it is always ſo held; but I will ſend to aſk three of the Judges, who are up ſtairs, and we will go on in the mean time.

WILLIAM WHEELER *ſworn.*

I drive this lady's coach, her name is Barrow, in Bury-ſtreet, St. Mary-axe, No. 13, I put in about half after four, or a little before, ſhe is a Jew lady, and they never ride on Friday evening; I went down to Hackney, to carry what they call a calaw, I laid at Hackney all night, and the next morning I came back, and ſaw the door open, and the glaſs ſtring cut off; we have matched it at the Office, it matches exactly, but I cannot ſwear to the glaſs, any further than matching the ſtring with the hammer cloth; I know it more particularly, the hammer cloth is ripped at one corner, and in pulling it on, I tore it at the front.

PRISONER's DEFENCE.

I was coming from Kingſland-road that evening, and a man aſked me to carry it for him, and he would give me a ſhilling, he then gave me a groat, and they took me.

Court to Armſtrong. Did he tell the ſame ſtory?——He did; there was a man at the back of him, but he did not ſay ſo while he was in ſight, the man did not run, but he turned down the church-yard; the man was perfectly out of ſight before he ſaid that to me.

Court. Gentlemen, all the Judges concur in opinion with me, that it is ſufficient in point of property to ſupport the charge of the indictment.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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208. THOMAS HOWARD and WILLIAM MORGAN were indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of John Parker, about the hour of ſeven in the night, on the 31ſt of December laſt, and burglariouſly ſtealing therein, one blue ſatin pincuſhion, value 12d. two gold lockets, with hair and glaſs ſet therein, value 4l. 15s. one gold locket, with hair ſet therein, value 25s. and one gold pin, with an enamelled border and hair ſet therein, value 13s. his property.

JOHN PARKER *ſworn.*

I live in St. Paul's Church-yard, I keep a goldſmith's ſhop; on the 31ſt of December, between ſeven and eight in the evening, I was in the parlour at the back of my ſhop, I could ſee into the ſhop very plain, the ſhop door was open, I looked to the ſhop window, I ſaw the priſoner, Thomas Howard, come up to the ſhop window, and with his double fiſt, he broke the ſhew glaſs, and after that he took the pincuſhion

out full of pins and lockets, the pincuſhion is worth one ſhilling, as to the other things, it is impoſſible to aſcertain; one locket I ſwore to was worth three pounds ſeven ſhillings and ſixpence, and another one pound eight ſhillings, and another one pound five ſhillings, and a pin thirteen ſhillings; when he broke the glaſs and took the cuſhion out, he ran through St. Paul's Church-yard, and I after him, crying out, ſtop him! ſtop him! I thought proper to return, and the priſoner was ſoon after brought by the mob; I found nothing upon him, but when he came back, I looked at his hands, and they were bloody with breaking the glaſs; I know his perſon particularly, the globe lamp ſhone in his face, and I was at the back of him directly; I ſaw nobody with him.

Mr. Garrow, Priſoners Council. Deſcribe a little what ſort of a ſhew glaſs this is?—It is what is commonly called a ſtall-board, the ſtall-board is out.

You draw it in to the inſide of the ſhop for cuſtomers?——No, I lift up this ſhew-glaſs, and take it out.

Court. It is moveable?——Yes.

Court. Then there is an end of the burglary.

Mr. Garrow. You have windows to the front of your ſhop; I have not, I have a preſs fixed, a piece of furniture, this ſhew-glaſs projects an inch or two over the ſhop, it projects, in ſhort, beyond the upright of the houſe.

Court. Were theſe things in any part of the ſhew-glaſs that projected beyond the ſhop, or were they in a line drawn from the top?——The extent, I believe, is above the bounds from the line of the foundation.

SAMUEL WOLFE *ſworn.*

I am a clerk in the India-houſe, accidentally, on the 31ſt of December laſt, between ſeven and eight, I was coming through St. Paul's Church-yard, and heard the cry of ſtop thief; I went into the highway, and ſaw the priſoner before me, he fell down about five yards, and in falling down he threw ſomething from his hand, I could not diſtinguiſh what it was then, but I ſaw ſomebody take it up, and then I ſaw it was a cuſhion; it was taken to Mr. Parker's ſhop: I am ſure it was the priſoner, he had not his hair tied then.

Mr. Garrow. What part of St. Paul's Church-yard is Mr. Parker's ſhop in?——About twenty or thirty yards from the corner next Cheapſide.

The cuſhion that was picked up, was it in the courſe that the perſon muſt have taken in running from that ſhop towards you, or was it beyond where he had run?——He threw it on one ſide, I ſaw him fling it againſt the rails of the church.

Was not it found on the Ludgate-hill ſide of him?—I believe it was found nearer Ludgate-hill.

In the courſe where the priſoner had not run?——He threw it from him.

ROBERT MORRIS *ſworn.*

I was in St. Paul's Church-yard, accidentally paſſing, and I heard an alarm at ſome diſtance, I could not diſtinguiſh, I ſaw ſeveral people running cloſe under the rails of the Church-yard, preſently I ſaw a perſon fall down, I croſſed over, and laid hold of the priſoner, and another perſon laid hold of him, the perſon that was with me ſaid, he has broke open a ſhop, and ſtole this cuſhion, and he lifted up this cuſhion; that perſon is not here, nor has not been found ſince: when we took him to Mr. Parker's ſhop, I ſaw his right hand a good deal bloody, and upon this we conveyed him to the Compter.

Mr. Garrow. Did you examine his hand very accurately?——I ſaw it was bloody.

Which might have proceeded from the flints?——I cannot tell what it proceeded from.

GEORGE PIENEPONT *ſworn.*

I am the conſtable, I took the priſoner in cuſtody between ſeven and eight, I was at the Horns, in Gutter-lane, I heard a noiſe, and went out, and the firſt object that was before

before me, was Morgan laying in the paſſage of the Half Moon, on his back, and another man ſeemed as if he was getting up from him; Morgan got up and ran after him, and one Mr. Bond, a glazier, adviſed me to take him as a confederate; when I looked in his face, he damned my eyes; I told him he was a very bad man, he drew this knife and cut me acroſs the fingers, and likewiſe bit my thumb.

PRISONER HOWARD'S DEFENCE.

Returning from No. 34, in Whitechapel, to Drury-lane, I heard the cry of ſtop thief, he was down, and I fell down, I fell over him, my hat fell off, and in picking up my hat, a Gentleman charged me with being the thief.

THOMAS HOWARD, GUILTY

Of ſtealing, to the value of 39s. *but not of the burglary.*

Tranſported for ſeven years.

WILLIAM MORGAN, NOT GUILTY.

Tried by the London Jury before Mr. Juſtice HEATH.

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209. JEFFRY ASHMAN was indicted for feloniouſly ſtealing, on the 9th of December, one ſilver tongue ſcraper, value 5s. a pair of iron ſpurs, plated with ſilver, value 2s. a pair of ſilver ſhoe buckles, value 40s. a pair of ſilver knee buckles, value 5s. a woollen cloth coat, value 20s. a waiſtcoat, value 10s. a pair of ſilk breeches, value 10s. eight pair of cotton ſtockings, value 20s. two pair of ſilk ſtockings, value 10s. one wooden trunk, covered with ſkin, value 2s. the property of Charles Hopkins, Eſquire.

CHARLES HOPKINS, Eſq; *ſworn.*

On the 9th of December, coming from Uxbridge to Berner's-ſtreet, I miſſed my trunk from behind my carriage, between the hours of five and ſix, I firſt miſſed it when I arrived at my own houſe; I adverti ſed it the next day, with a reward of ten guineas, and I received, on the 12th, a meſſage from Bow-ſtreet, I went there to ſwear to the trunk and the property, I found my property there.

WILLIAM TIMBERLEY *ſworn.*

I am coachman to Mr. Hopkins, I buckled this trunk on at the Crown, at Uxbridge, behind the carriage, I did not miſs it till I came to Berner's-ſtreet, I then told my maſter we had loſt the trunk.

JOHN TUICK *ſworn.*

I was coming up Oxford-ſtreet, juſt by the Pantheon, on the 9th of December, between five and ſix, I ſaw the priſoner lift a trunk from behind a gentleman's carriage, and come acroſs, and juſt as he came to the flag pavement, he lifted it on his ſhoulders, and Robert Wakelin came from the other ſide of the ſtreet, and aſked me if I ſaw the man with the trunk, and we went after him and took him, and Wakelin attacked him with the trunk, and he juſt turned his head about, and ran, I overtook him in the courſe of ten or twelve yards, I never loſt ſight of him from the time I ſaw him lift the trunk; we took him and the trunk to Bow-ſtreet.

ROBERT WAKELIN *ſworn.*

I ſaw the priſoner buſily employed behind the carriage, going down Oxford-ſtreet, I then ſaw him take the trunk down, and croſs the ſtreet, and I aſked the laſt witneſs if he ſaw him, and we went and overtook him; I aſked him where he was going with the trunk, he, without any reply, dropped it from his ſhoulders; we took him and the trunk to Bow-ſtreet, the trunk was put in Mr. Hopkins's charge at Bow-ſtreet, ſealed with my ſeal, and three cyphers to it, it is the ſame now.

(The trunk opened and the things depoſed to.)

Priſoner.

Priſoner. I have nothing to ſay.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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210. JOHN MASSIAS was indicted for feloniouſly ſtealing on the 13th of December laſt, one ſilver watch, value 40s. a ſilk ſtring, value 1d. a ſtone ſeal, ſet in ſilver, value 1s. one braſs key, value 1d. the property of Thomas Carr, in his dwelling houſe.

And FRANCES NICHOLLS was indicted for feloniouſly receiving the ſame, knowing them to have been ſtolen.

WILLIAM CARR *ſworn.*

I live in King-ſtreet, Wapping, the priſoner came to me the 12th of December, and enquired if I could lodge him; I told him I could, and I lodged him, he told me he was Lieutenant Douglas's boy, belonging to the Elizabeth man of war, he wanted a bed for two or three nights; I lodged him that night, and in the morning he came down when I was to get my breakfaſt, he aſked me to let him have a little tea, and he would pay me for it, I did ſo; after breakfaſt, he took my child out of my arms of ſix months old, and he walked about the room with it, my eldeſt child was in the room with him, who was between ſix and ſeven; I left them two in the room, and I went up ſtairs, where the priſoner had ſlept, to lock the room door, I looked at the watch when I went up ſtairs, it hung in the chimney corner, in the lower room, where I left him, it was then twenty minutes paſt nine; when I came down ſtairs again, my eldeſt child was ſitting at the door, with my youngeſt child on his knee, I opened the door, and came in, and the young lad was not there, my child ſaid he was gone into the yard, I looked at my fire-ſide, and immediately miſſed my watch and the priſoner; my door was open, my fore ſtreet door, and my watch and the priſoner was gone; the yard is a thoroughfare, where the people go through, but my door opens into the front ſtreet; I cried out immediately I was robbed, they purſued aft r the priſoner ſome yards, but could not find him, and a man, who heard me ſay I was robbed by the priſoner, and who was with him when he came for the lodging, he took him afterwards.

Court. What connection had he with the priſoner, that he was ſeeking out a lodging for him?——I do not know, he took compaſſion on him, the man is gone to ſea, he took the priſoner in the Minories, and brought him to my houſe; he had not the the watch upon him when he was brought back to my houſe, neither would he confeſs that he took it; I ſaid, my good boy, if you will confeſs what you have done with it, or if you have pawned it or ſold it, I will not hurt you; he would not confeſs at that time: the officer has the watch.

JOHN ORANGE *ſworn.*

The priſoner was brought to the publick office in Shadwell, and through this woman's promiſes, he told me, if I would go along with him, he would go and ſhew me the perſon that had the watch, which was one Milward, and I aſked him if he had bought a watch of any woman; and he ſaid yes; I aſked him where it was; he ſaid he had it in his fob.

(The watch depoſed to.)

Court. What is the value of it?—Forty Shillings.

Who valued it?——The officer, Mr. Orange, valued it to that.

BENJAMIN MILWARD *ſworn.*

I am a wine porter, I met the woman priſoner, and ſhe aſked me if I would buy a watch, and ſhe ſhewed me the watch, I told her I was in a hurry, I could not ſtop, and I ſaw her again at the Ship, in Crutched Friars, and ſhe aſked me again; ſhe aſked two guineas for it, I told her I did not know the

the value of it, I would not give that for it; ſhe ſaid her huſband was likely to come into trouble, and ſhe wanted to receive a little money, and ſhould be glad to part with it; I told her I would let her have a guinea and a half upon it, if ſhe would bring the man ſhe bought it of; ſhe ſaid ſhe bought it of a young man; but ſhe never came again till ſhe came with the officer, that was on the morrow evening.

PRISONER NICHOLLS's DEFENCE.

This gentleman bought the watch of me.

PRISONER MASSIAS's DEFENCE.

When the proſecutor was taken up before the Juſtice, the Juſtice aſked her if ſhe knew me, ſhe ſaid ſhe did not; I did not take the watch; my witneſſes were here till twelve laſt night.

WILLIAM SHAW *ſworn.*

I know the priſoner Nicholls; on the 13th of laſt month I came home about half paſt twelve, this woman and the boy had been at my houſe, and I was told by the boy, he had given her a watch to ſell; I immediately turned round to the boy and ſaid, you young rogue, where did you get a watch to ſell; he ſaid he came from America, and was a native of America, and was juſt come from Portſmouth, and had no victuals, nor no friends, and that he gave this watch to this woman to ſell, to get him ſome money to get ſome victuals; I have known this woman twelve months before, ſhe has a family of three ſmall children, which ſhe maintains.

What is ſhe?—She deals in old clothes in Roſemary-lane, her huſband is a very induſtrious man; the woman came afterwards, and left the money at the bar, one guinea and a half for the boy, but he never came for it.

JOHN MASSIAS, GUILTY.

Tranſported for ſeven years.

FRANCIS NICHOLLS, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

211. THOMAS WELLS and THOMAS CONNER were indicted for feloniouſly ſtealing, on the 20th of December, fourteen ſilk mode hats, value 28s. the property of Cornelius Blake.

CORNELIUS BLAKE *ſworn.*

I live at Brentford, I am a linen-draper, I only prove the property.

THOMAS GOSS *ſworn.*

I am a watchman, about ten minutes after eleven, on the 20th of December, I ſaw theſe two priſoners with a bonnet open, and ſome things tied up in this apron on a ſtick, I aſked them what they had there, they ſaid if I would go back with them, they would ſhew me where they got them; I told them I would take them to the watch-houſe, then Conner dropped the bundle which he had.

ROBERT BERRY *ſworn.*

I am one of the patrols of the pariſh, the watchman brought them in to be examined a little after eleven, I ſuſpected they had ſtole the things, they both of them ſaid, that ſome man had given them two-pence to carry them, they could not produce him, I ſaid where are you carrying them to? no, they could not tell that; the things have been in my poſſeſſion ever ſince.

(*The things depoſed to, except the bonnet.*)

PRISONER WELLS's DEFENCE.

A man aſked this boy to carry this bundle, and he asked me to carry the bonnet, I thought no harm.

PRISONER CONNER's DEFENCE.

I am a drover, I had been to Acton with ſome ſheep, and coming home again at night a man asked me to carry this.

Court. How old are you?——Turned of ſeventeen.

How old are you, Wells?——About fourteen.

Priſoner Conner. About half after ten, a coach ſtopped, and a gentleman got out of the coach with this bundle, and he aid to me,

me, my boy, earn three-pence, and carry this bundle juſt by; nobody was in company with me, then I met Wells, getting ſome hay at a coach, and I asked him to carry the bonnet; I had it before he was in company with me.

THOMAS WELLS, NOT GUILTY.

THOMAS CONNER, GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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212. WILLIAM TESTER was indicted for feloniouſly ſtealing, on the 29th of December, a quart ſilver tankard, value 5l. the property of John Turnall.

JOHN TURNALL *ſworn.*

I live at Wellingborough, in Northamptonſhire, I keep a public houſe; the priſoner called for a pot of beer, and paid for it; I went to tap a barrel, and in three minutes time the tankard was miſſing, which ſtood there before, and the priſoner was gone away; he came after that for ſome beer, I ſaid nothing about the tankard, I thought ſomebody had played the rogue with it, and taken it away; I ſuſpected two ſtrangers, I followed them to Kettering, and they ſaid we will go with you and trace it out; I then ſent for the priſoner, when theſe men were preſent, I ſaid to him, William, do you know any thing of my tankard? the priſoner is a nigh neighbour to me, within three hundred yards. I received this letter from one Baſcomb, informing me of the tankard; I found my tankard at Hicks's-hall.

CHARLES BASCOMB *ſworn.*

I live in Bloſſoms-inn, Lawrence-lane, I am a Coachman, and drive the Manchester coach, I came out of Northampton, about five in the morning, and when I came four miles on this ſide Newport, I picked up the priſoner, and brought him as far as Highgate, when I came there it began to be duſk, and I aſked him to pay me his fare, before he got into London, he ſaid he ſhould not pay me till he came to London, I aſked him the reaſon, and he made many words, he ſaid he ſhould not pay me, for he had no money, I told him he muſt be a bad kind of a man, not to have money, and we had a few words, and I put him withinſide the coach, as it was very cold, to ride a little way, having but few paſſengers, and he had a great bulk in his pocket, and I did not know but he might have ſome of my parcels about him; the only ſatisfaction I could get of him, was that he had friends in London, and he would pay me before he ſlept, I ſaid if he did not I ſhould be ſatisfied, with putting him in the Poultry Compter, as his fare came to ſeven ſhillings, then I inſiſted on ſearching him, to ſee if he had any of my parcels, and in ſearching him, I found this tankard with the lid ſcrewed off in the ſituation it is now, and there being many people in the houſe, (which was the Red Lion at Highgate) they adviſed me to charge him with a conſtable; we have had four ſtolen from Northampton, and it was advertized, I did not know but it was one of them, the next morning at Hickes's Hall, the priſoner ſaid it was his father's, and his grandfather's, and they were both dead, and now it was his.

(The Tankard depoſed to.)

PRISONER's DEFENCE.

I was at work and I found this tankard in an old handkerchief.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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213. JONAS ABRAHAMS was indicted for feloniouſly ſtealing on the 20th of September, one tallow preſs and iron

ſcrew

ſcrew, value 30s. the property of Thomas Barnes.

THOMAS BARNES *ſworn.*

In the middle of September, near the 20th, to the beſt of my knowledge, I made no minute of the day, I have a ſhop out in the fields at Battle-bridge, and I found it broke open, and from there I miſſed ſeveral articles, as well as this ſcrew, which belongs to a tallow preſs, I heard of it about a month ſince, being at Mr. Pellet's, in St. John Street, I went to Mr. Pellet's and ſaw this ſcrew, I found it to be my property, which I had loſt out of theſe building, I ſaw Mr. Pellet himſelf; his man is is here, Mr. Pellet ſaid he had bought it.

MICHAEL WARD *ſworn.*

I am ſervant to Mr. Pellet, in St. John Street, he is an Ironmonger, this ſcrew which Mr. Barnes calls his property, I bought of Mr. Abrahams, with a quantity of iron. (*The ſcrew produced*) it was a fortnight or three weeks before this Gentleman owned it, that I bought it, it lay at our ſhop to ſell, I bought it as old iron in a quantity; Mr. Abrahams deal in old iron, and collects it all over the town, wherever he can, and gets his living that way as I underſtand; the priſoner brought this in a cart, he has dealt with my maſter three or four years, I bought it altogether at twelve pence a hundred, he has always dealt fair with us, there never was any thing claimed at our place before, I bought it of him as old iron, and looked upon it as ſuch, there was no nut to it when I bought it.

(*The ſcrew depoſed to.*)

Mr. Garrow, Priſoner's Council. This ſcrew without a nut is incompleat and ſtrictly old iron?——Yes.

It came in an open way?——Yes.

If any body elſe had brought it, you would have bought it, equally the ſame? I certainly ſhould.

Mr. Garrow. My Lord, I ſubmit here is no evidence to put this man on his defence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before the Lord Chief BARON.

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214. WILLIAM WILLIAMS and ALEXANDER THOMPSON were indicted for ſtealing on the 27th of December, two hundred pounds weight of lead, value 28l. belonging to Thomas Child, affixed to a certain building of his.

THOMAS BREMEN *ſworn.*

I am maſter of St. George's Workhouſe, oppoſite the proſecutor's premiſes; which are in Farthing-field, Old Gravel-lane; about eleven at night, on the 27th of December laſt, I ſaw three men ſtanding between Mr. Child's workſhop and our workhouſe, I ſtaid and watched them for ſome minutes, I ſuſpected them, ſeeing ſomething in their poſſeſſion, that was large and cumberſome; I called up three men in the houſe, and went to examine, as ſoon as they ſaw the men appear, they made off, and took the property with them, they were purſued by theſe three men, and the priſoner Williams ſaid he was taking it away from two lads that were there, it did not appear that he was taking it away from them, he was converſing with them ſome minutes.

Court. Did there appear to be any ſtruggle between them?——No Sir, there did not, in half an hour after, I ſaw the priſoner Thompſon in cuſtody, he ſaid he was coming paſt and another boy gave him the lead to carry a little way for him, and they ſtood and converſed together for ten minutes.

THOMAS READER *ſworn.*

I belong to the workhouſe too, I apprehended the priſoner Williams, he went away from the place where he was, and the other after him, he had a piece of lead upon him,

him, he carried it in his arms, and when I came up to him, he put it down on the cauſeway, he ſaid he took it away from ſome lads, he ſaid he was a going to take it to the watch-houſe, I left him with the other two men, and went after the other, he ſaid that another lad that was with him, gave it him to carry, and Thompſon ſaid that Williams ſaid, he would carry it to an old iron ſhop to ſell it.

THOMAS CHILD *ſworn.*

The lead is here, it has been in my poſſeſſion ever ſince the day it was found, I had ſome part of it from the workhouſe, and ſome part of it found in a field, the part that was taken from the priſoner has been in my poſſeſſion, ever ſince it was taken from the watch-houſe, I ſent one of my men for the piece of lead.

Where is that man?—He is not here.

Did you loſe any lead from your houſe?—About thirty one feet, I cannot ſwear it was this lead, only by having meaſured the lead that was found, and by comparing the pieces together.

WILLIAM POWELL *ſworn.*

I carried the lead to the watch-houſe, and I can ſwear that this is the ſame lead, by this ſcrag end, I took particular notice of it.

Proſecutor. I can only identify the lead by meaſuring the length and width of the gutter, the pieces all ſeemed to match, except this piece that is ſcragged, that has been loſt; the nail holes exactly fit.

Jury. How high is your houſe?—About ten feet from the ground.

Jury to Reader. Did you ever loſe ſight of Williams, from the time you purſued him, till you took him?—No.

PRISONER WILLIAMS's DEFENCE.

I was at a Publick-houſe, from about ſix till nine, drinking with Robert Humbleton, and one Holliday, and I came home, and aſked my daughter where my wife was, ſhe ſaid ſhe was gone out, I went in next door and had a pot of beer, by and by my wife came in, and ſhe told me ſhe ſaw this lad and another with the lead, and I went and looked at them, and aſked them if they were not aſhamed, they had better go to Sea for ten ſhillings a month, and I ſaid they ſhould go to the watch-houſe, and three men came running after us, but I told the men, and the maſter of the work-houſe, the name of the lad, and where he lived.

PRISONER THOMSON's DEFENCE.

I was down at Greenland-dock in the morning, and coming home I met a boy, and he had a piece of lead on his head, and he aſked me to carry it, and I ſaid yes, I carried it twenty yards, and this man ſtopped me, and the other lad run away.

The priſoner Williams called eight witneſſes, who gave him a very good character.

Court to Bremen. You are ſure you ſaw Williams ſtanding with the other two?—I did, I ſaw them ten minutes in converſation, there was no ſtruggling, they run away upon my calling out.

WILLIAM WILLIAMS, NOT GUILTY.
ALEXANDER THOMPSON, GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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215. SARAH ABERDEEN was indicted for ſtealing on the 3d of January, two woollen blankets, value 3s. the property of Stephen Cant.

GUILTY, 10d.

Privately whipped and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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216. EDWARD PAYNE and MAY COOK were indicted for feloniouſly ſtealing, on the 6th of October laſt, ten thouſand ounces of ſilver, being dollars, and parts

arts of dollars, value 2400l. three wooden caſks, value 2s. one wooden box, value 12d. ten linen bags, value 5s. forty watches with two ſilver caſes, and one outſide metal caſe covered with tortoiſeſhell, each of the ſaid watches, value 40s. three other watches, value 3l. fifty-ſeven other watches, with two ſilver caſes each, value 57l. one wooden box, value 12d. and one hundred other bags, value 2s. the property of Joel Goddard; being in a certain ſhip called the Elbe, on the navigable river Thames.

And ARTHUR JAMESON was indicted for feloniouſly and maliciouſly aiding, moving, counſelling, procuring, and commanding the ſaid Edward Payne and May Cooke on the ſaid 6th of October, to do and commit the ſaid robbery.

And ROBERT BROWN was indicted for feloniouſly receiving on the ſaid 6th day of October laſt, fifty ounces of ſilver being dollars, value 12l. part of the ſaid goods, well knowing the ſame to have been ſtolen.

Another Count for that the ſaid Robert Brown well knowing the ſaid Edward Payne and May Cooke, to have done and committed the ſaid felony, afterwards did receive, harbour, comfort, and maintain them, againſt the King's peace.

The indictment opened by Mr. Knowles; and the caſe by Mr. Silveſter.

AUGUSTINE BOWDIKER *ſworn.*

Examined by Mr. Knowles, Council for the Proſecution.

I was at the Bank the 5th of October, I attended there to receive ten thouſand ounces of ſilver, they were packed up and ſent ſent down to the water ſide, they were in Spaniſh dollars, not all dollars, ſmall pieces likewiſe; I ſaw them packed up, they were packed up in three caſks and one box, I attended them to the water ſide.

What part of the water ſide did you go to?—To Porter's key, I delivered them to one of the waterman's people, whoſe name is Edward Morris, with directions to ſend them on board the Elbe, Captain Goddard.

EDWARD MORRIS *ſworn.*

I am a lighter-man, I received on the 5th of October three caſks of dollars from the laſt witneſs and one box, I put them on board the Elbe, Captain Goddard; I delivered them to the mate, and Captain Goddard.

(The priſoner Brown being ill deſired a chair.)

DAVID SAMUEL *ſworn.*

On the 5th of October, I put ſome watches on board the Elbe, Captain Goddard, they were packed in a box, I packed them up myſelf and my ſon, there were a hundred.

Court. Did you ſee the box opened on board the Elbe?—We delivered it to the Captain, and he conveyed it himſelf on board, it being a ſmall package.

On whoſe account did you deliver it?—On my own account.

SAMUEL SAMUEL *ſworn.*

I am ſon to the laſt witneſs, I aſſiſted my father in packing up a box of watches, I believe it was about the 5th of October, they were delivered to Captain Goddard of the Elbe, who ſaw them on board the Elbe that afternoon, I believe it was.

In what package were they?—We delivered them in a box.

CAPTAIN JOEL GODDARD *ſworn.*

I am maſter and commander of the ſhip Elbe, bound to Hamburg; on the 5th of October, I received three caſks and two boxes on board the Elbe.

What did the caſks contain?——They were mentioned in the bill of lading ſilver, but unknown to me, I ſigned contents unknown; I received one box of Mr. David Samuel, they mentioned they were watches but I did not know; they were placed in the ſtate room, underneath my cabbin.

When did you ſee them laſt?——I did not ſee them from the time they were ſtole

away, never after that; I was aſſiſted by Arthur Jameſon, and one other of my people in ſtowing them, I was obliged to put off next morning, and the ſhip went down to New Crane; I returned next morning at day light, and found the quarter deck laying about with ropes, nobody was upon deck, and the firſt man I ſaw was one of the Cuſtom-houſe officers, he ſaid, Lord have mercy upon me! I ſaid, what has any body fallen over, he ſaid no, the ſhip is robbed; then I immediately went into my ſtate room where theſe things were laid, and I opened my cheſt, and found all theſe things taken away, the caſks and the two boxes.

Was any thing elſe taken out of the ſhip?——Nothing to the beſt of my knowledge.

Mr. Morgan, the Priſoner Payne's Council.

If I underſtand you right, from the time theſe articles were ſtolen you never ſaw them?——Only when they were put in the ſtate room.

The witneſſes examined apart by deſire of Mr. Morgan.

PETER COLLINS *ſworn.*

I was on board the Elbe in October laſt, the Captain's name was Joel Goddard; I remember particularly on the 6th of October the ſhip was robbed, I was on the watch, I ſaw three men come down into the cabbin.

Were they diſguiſed?——Yes.

What did they do?——They went into the ſtate room and opened the Captain's cheſt, they looked as if their faces were blacked, or with black ribbands; I did not ſee them take out any thing, this was between twelve and one, they ſtaid there about half an hour; I was in the ſtate room, one of them ſaw me, but I could not ſee what they took.

Where were you?——There are two bed places in the ſtate room, I was in the large one.

Where were theſe things concealed?—Under the Captain's bed, I could not ſee them take any thing; after they were gone I came out of the ſtate room, and went on deck, I did not examine to ſee if any thing was gone, I did not particularly find that any thing was gone; we all found that the things were gone.

JOHN EVANS *ſworn.*

I am a Cuſtom-houſe officer, on the night of the 6th of October, I was in the cabin of the Elbe, two men came down into the cabin with their faces blacked, it was about half paſt twelve when they came down; they ſtruck at me and I fell down, and they ordered me to turn my head to the coffee hogſheads, they held a piſtol to my ear, then they went over into the ſtate room, I did not ſee what they did there, I was in the cabin which joins to the ſtate room; they continued in the ſtate room about ten minutes or a quarter of an hour, I did not ſee them bring any thing out of the ſtate room; I heard them ſay very little, the cry was not a word, blow your brains out; they clapped me on the ſhoulders, and one of them ſaid, he knew I did not belong to the ſhip, and they had got all they wanted, and all they came for, and wiſhed us a good morning; and ordered me not to come upon deck, if I did he would come and blow my brains out.

Had they any light with them?——I do not know, I had a candle and fire when they came down, when they were gone we miſſed three caſks and two boxes, they were under the Captain's bed in the ſtate room; we immediately examined and found theſe things were taken away.

Do you know what was in thoſe caſks and boxes?——No, Sir, I was ſtationed on board the ſhip, I had ſeen them in the ſtate room before.

THOMAS WEEKS *ſworn.*

I am a Cuſtom-houſe officer, I was ſtationed on board the Elbe on the night of the 6th of October in the morning, there was a boy on deck, whoſe name is Peter Collins, he came running down to the cabin, ſays he, thieves! thieves! here are thieves

thieves on board; I was laying down on the ſtorage in bed with my cabin door open, and in a moment after two men came running down to the cabin, the firſt man made a blow at Evans with a bludgeon, they were diſguiſed, their faces very much blacked, the other came down with a cutlaſs, and he turned againſt a caſk that was there, and he ſaid not one word, Sir, not one word, I only ſaw two; ſays he, if you ſpeak a word we will cut you to pieces, no, ſays the other man, if they be only quiet and eaſy and do not ſpeak a word, we will not hurt a man of them; I ſaw no more of them, but after they were gone I went and looked, and ſaw that they had taken the caſks and boxes away that were in the Captain's ſtate room; I had ſeen theſe things there before.

ISABELLA CHAMBERS *ſworn.*

I keep the Crown ale-houſe, in Maudlin's-rents, in the neighbourhood of Nightingale-lane; in the beginning of October, I ſaw the priſoner Jameſon, Cook and Jack Miles, who is now in priſon; there was one young man more with them, but who he was I cannot ſay, it was in the evening.

Court. What time in October was it?—I cannot ſay.

Was it in the beginning or middle or what?——I cannot ſay, they might ſtay an hour or better, the ſecond time they came about a night or two after, it was then about duſk: they were in company together twice, and the ſecond time they were in my houſe, I heard Jack Miles ſay to Jameſon one of the priſoners, that if he wanted two or three guineas he would let him have it now; and Mr. Jameſon anſwered preſently; he did not accept it in my ſight, but what the money was for I do not know; Cook was preſent at this converſation the third night, the next night Miles and Cook came and ſtayed a little bit, and then Cook went to Jameſon's lodgings, and he came and told Miles he was not at home, and they went away, they were in the houſe about a quarter of an hour; then after Jameſon came and enquired for Cook and Miles, and I told him they were gone.

Mr. Scott, Priſoner Jameſon's Council. What time in October was it?——It was before the ſhip was robbed, all the three times.

PETER MAY *ſworn.*

Examined by Mr. Silveſter, another Council for the Proſecution.

I am a linguiſt, I know the priſoner Payne, I lived along with his mother, in Brook-ſtreet, Ratcliff, No. 114; and being informed that one Payne a waterman had been upon the river, and concerned in the robbery of theſe dollars; about the 16th or 17th of October, I ſaw the priſoner, I went with his mother to him at ſome houſe in Goſwell-ſtreet, and he ſaid he would be glad to go with me to Lynn, in Norfolk.

Court. For what purpoſe did you and his mother go to him in Goſwell-ſtreet?—Only to ſee him, he then aſked me if he could go to Lynn.

For what purpoſe did you and the mother go to him?——As I was going down to Lynn, ſhe thought I might be a means of keeping him out of the way.

Mr. Silveſter. What paſſed at Goſwell-ſtreet?——On the Tueſday or Wedneſday evening, we ſet off in a poſt-chaiſe for Lynn, in Norfolk.

What did you go to Lynn for?——I went about my buſineſs, and he went with a thought, as far as I underſtood, to go into ſome foreign country or another, becauſe he aſked me if there were any Norway ſhips, or ſhips for Norway, I told him I believed there were; when we came to Lynn we went to the Roſe, we continued there about five or ſix days, nothing paſſed during this time than this; I was willing to know whether he had been concerned in this robbery or no; upon this he did tell me that he had, but I could not get any thing further out of him.

Did you aſk him, if he was concerned in the robbery?——Yes, I aſked him how they could preſume to do things of this kind,

kind, being a heavy matter; oh! ſays he, when we get it into the boat we do not fear, we have always aſſiſtance to get it out again; or words to that purport.

Court. Before you ſet out from London, how came you to know any thing about the priſoner being to go down to Lynn, or any other place?——Upon the anxiety of the mother I had a ſuſpicion.

Was you yourſelf intending to go to Lynn before?—I was.

Did the mother know that you ſo intended?——Yes, four or five days before, the mother ſeemed very anxious for her ſon to go with me, and that gave me a ſuſpicion.

Had you no other converſation with him?——I aſked him ſeveral times what he had done with the property, he told me he would give me no particular anſwer; he ſaid, that he wanted to go over to Norway; I queſtioned him ſeveral times, what uſe he had made of the property, but no reply was given, only that he was concerned in it, and that he had ſeventeen watches left in the hands of one Woolfe, or ſomething to that purpoſe, for which he had not paid him, and he damned him for that; and that he had eighty pounds in ſome man's hands ſomewhere near Moorfields, and that man had not paid him; I do not know what that eighty pounds was for.

You do not know whether it was for the watches or the dollars?—No, he aſked me what he ſhould pay me, ſays I, I came down here to ſerve your mother, I did not come here for the lucre of gain, and he flung down ten guineas, which I took as a preſent from him, as the money was offered to me, I, like a great many more folks, did take it.

Mr. Morgan. So this man told you the only thing in the world that could hurt himſelf and take away his life, and nothing elſe but that one fact?——No.

Why, it is ſomething very aſtoniſhing that he ſhould not tell you what became of the property?——He did not, I asked him ſeveral times.

You did?——Yes.

Have you ever read the New Teſtament?——I have.

You remember the character of Judas?——I do.

MOSES LEWIS *ſworn.*

I deal in old clothes.

What relation is Benjamin Wolfe to you?—My ſon-in-law.

Have you ever ſeen any of the priſoners before?—I have ſeen that good man, Mr. Payne, I was in my ſon-in-law's houſe, and he asked me to go with him to Mr. Payne's houſe, and I went, it was in Old Gravel-lane, it was on the 7th of October; I carried a bundle, a ſtocking, for my ſon-in-law, from Payne's houſe to my ſon-in-law's houſe.

What was in the ſtocking?—They were dollars, I have ſeen them, I ſaw Payne deliver them to my ſon-in-law, at his houſe in Old Gravel-lane; I do not know how many there were, it was a little ſtocking, a child's ſtocking.

Court. How many do you ſuppoſe there were?——I cannot tell.

Cannot you gueſs?——No, I cannot gueſs.

Was there ten or a dozen?——There were more.

Were there fifty?—I cannot tell, I did not count them.

BENJAMIN WOLFE *ſworn.*

I am ſon-in-law to Moſes Lewis, I know the priſoner Payne, I ſaw him on the 7th of October laſt, about a quarter paſt four in the morning, I was aſleep in the two pair of ſtairs, my wife was brought to bed the day before, he knocked at the door, the nurſe let him in, he came to my bedſide, and waked me out of my ſleep, he ſaid, I have a hundred and thirty-ſeven dollars, and fourteen watches, and he asked me to take them if I would be ſo good, he brought them with him, and ſaid he had ſome more at home; he went away, and came about nine at night, and ſent for me out of the ſynagogue, and asked me if I would give him

him the money for them; I told him I had not looked at them; accordingly, in the afternoon, I ſaw them, and I paid him for the hundred and thirty-ſeven dollars, but not for the watches: he never told me where he got them, he ſaid he had them, and had ſome more dollars left behind him as his ſhare.

Court. How much did you pay for the dollars?—Three ſhillings and nine-pence a piece; he told me to call at his houſe about ſeven in the evening, I went to my own houſe, and my father-in-law was there to ſee his daughter, I asked him to go with me to Mr. Payne's houſe, and he gave me two hundred and forty dollars in two ſtockings, I gave them to my father-in-law, and told him to take them to his own houſe till I came for them and fetched them away, then he asked me if his wife ſhould carry them up in the city, accordingly he took two hundred more of his wife.

Mr. Silveſter. Do you mean the woman he lives with?

Mr. Morgan. His wife you mean?——Yes, ſhe goes for his wife; accordingly I paid him ſeven pounds in part, and the next day he brought me ſome more dollars, and I paid him the whole, the ſecond day after, it came to eighty-four pounds, eighty pounds in notes, and the reſt in caſh; the firſt day I paid him ſeventy-ſeven pounds, and twenty pounds; I never ſaw him ſince till I was ſent for to Sir Sampſon's.

When he told you it was his ſhare, did he tell you what was the other perſons ſhares?—Never, I did not enquire where he got them from; I know nothing of either of the other priſoners, only I know them by ſight, I had no application from any other perſon.

Mr. Morgan. A pretty account you have given of yourſelf, what buſineſs are you?—A tobacconiſt.

You gave three ſhillings and nine-pence apiece for the dollars?—Yes.

You never asked him where he got them?—No.

What are they worth?——The full market price is four ſhillings and two-pence halfpenny.

Did you know what buſineſs Payne was?——He was a waterman, that I knew.

ELIZABETH THOMPSON *ſworn.*

Mr. Morgan. You will not call the man's wife?

Mr. Garrow, another Council for the Proſecution. I will call Elizabeth Thompſon.

How long have you lived with the priſoner Payne?

Mr. Morgan. You need not anſwer that queſtion.

Mr. Garrow. Did you live with him on the 6th of October laſt?——Yes.

Did Payne lodge in the ſame room with you?——Yes.

Was he at home on the 6th of October?—Sir, it was a Wedneſday morning in October when he was out, he came home on the Thurſday morning, between five and ſix, I was in bed when he came home, he deſired me to get up, and put my clothes on, and go with him as far as Limehouſe.

Mr. Morgan. I am very unwilling to take exceptions, but, upon my word, this is ſuch betraying; ſhe ſays they are his children: are you married to this man?—No, Sir, I am not.

Mr. Garrow. What did you do together at Limehouſe?——He went into a houſe in Narrow-ſtreet, Limehouſe, they ſay it is a brewhouſe, and ſtayed, I believe, a quarter of an hour; he came back, and brought with him a little ſmall bag, and deſired me to carry it in my apron.

Is that the ſame houſe you have ſhewn to Mr. Vyſon ſince?——Yes.

What did the bag contain that he put into your apron?——I ſaw it when I was at home, it contained dollars, I cannot tell how many; he went home juſt before me; it was a very ſmall bag, there might be a hundred or more.

What became of thoſe dollars afterwards?——I deſired they might not remain in my place, and he told me Wolfe was to come for them in the evening, but he did not;

he then desired me to carry them to Goodman's-fields, to one Mary Ann, a woman he kept company with, Payne came after me in a short time, Mr. Wolfe came, and an old Jew man, and a Jew boy.

Is that Moses?——I cannot say.

What passed between Wolfe and the prisoner?——I cannot say, I saw the Jew man and Jew boy put something in their pockets, I do not know what it was, I do not know who gave it them, whether it was Payne or not; afterwards Mr. Wolfe gave me his pocket handkerchief, tied up with something, and desired me to take it to Petticoat-lane, he went with me and Payne, I carried it into a court in Petticoat-lane, and they took it from me, and went into a house and shut the door; I went the next morning between five and six, and carried the remainder of the dollars to Mary Ann.

How long did Payne continue in London after?——I cannot say, I never saw him but twice after.

WILLIAM VYSON *sworn.*

I am a waterman, I went with the officer to Lynn to apprehend Payne, I was not present when he was apprehended, I went with Elizabeth Thompson to a house in Narrow-street, she pointed it out to me as the house where she had the dollars from; I was informed that house belonged to one Mr. Brown, it was in Narrow-street, Limehouse, I made enquiry of the next door neighbour but one, and he informed me that was Mr. Brown's house.

Was there any property delivered to you at Lynn?—Yes, forty guineas by Macmanus.

PATRICK MACMANUS *sworn.*

I went to Lynn to apprehend Payne, I brought him to Bow-street, I found him in custody; at the house where Payne put up, forty guineas were delivered by Payne to the landlord, and Payne claimed it as his money, and the Mayor said, no, you shall not have it, it shall be delivered to the officer that came from Sir Sampson Wright's; the landlord delivered it, and he snatched it up, and I took it out of his pocket; I counted it by the Mayor's desire, and says I, I shall deliver it to Mr. Taylor's man, who is come down with me, he said, do so; there were forty guineas: then Payne snatched hold of it, and got it into his pockets, and I took it away from him, and gave it to Taylor's man.

(David Samuel produced some of the watches.)

David Samuel. They are my property, I received the watches from Mr. Clarke at Bow-street.

Court to Wolfe. Are these the same watches you received?——These watches the prisoner Payne delivered to me.

Mr. Samuel. These are my property, they are a peculiar sort for abroad.

ROBERT TAYLOR *sworn.*

I was present when the prisoner Brown made some declarations.

Mr. Chetwood, Council for Prisoner Brown. What Brown?——Robert Brown; upon his examination at Mr. Green's and Sir Sampson Wright's, he said———

Court. Was his examination taken down in writing?——Yes.

Than read it.——It was only minutes.

Mr. Garrow. What I am enquiring about was a regular examination of the prisoner Brown, or something he said while under examination.——It was something he said, I made some minutes.

Mr. Chetwood. Were they not taken down in writing by some clerk?——I did not attend, I am sure there was no information, only taken down in the way that the others were, that I am positive of, it was to questions put by me? he said in the night some body that laid with him, who I believe was his son, got up and let in Thomas Brown, I believe he is the son in law; I think he said, that it was some considerable time before he came down, and that upon his coming down stairs, John Dolfin

Dolfin put into his hands ſomething which he did not know.

Did he mention the names of any other perſon being let in?——I think he ſaid, Dolfin put into his hands a watch, and that upon coming into the kitchen where a candle was lighted, he diſcovered the parcel that had been put into his hand, to contain dollars, but apprehending they were ſtolen, he gave them to his ſon Thomas Brown; he ſaid, he ſaw two bags lay on the kitchen floor, and that Thomas Brown had lighted a fire in the kitchen; I aſked him if he recollected who were the parties that were preſent, he ſaid, his ſight was bad, he did not know them all, Dolfin he was ſure he knew, and a lame man he deſcribed, but I am not ſure that he named his name; he was aſked whether he was ſure it was not Payne, becauſe there was no other perſon in the robbery that was lame, Payne is a lame man; I aſked him at Sir Sampſon's, whether he knew any thing more, and he ſaid that the night following the robbery ſeveral perſons diſguiſed broke into the houſe, that they confined him in a blanket, and then he begged for his life, for there were no dollars left; he ſaid, they made ſo much blaze at that time, with the caſks and the boxes with burning them in the kitchen, that he was obliged to throw water on the fire once, to prevent the chimney catching fire, I aſked him how he could ſuffer it; he ſaid he was afraid of his life, and he dare not oppoſe it.

Mr. Chetwood. Do you remember how he came not to be admitted as an evidence?—I believe he knew nothing.

Did not it appear that Thomas Brown lived in the houſe with him?——No, Sir, by no means, he lives in London-ſtreet, I have been at his houſe two or three times, he ſaid, what could he do with ſuch a ſet of villains; I thought it might be a reaſonable anſwer.

It appeared he never was poſſeſſed of theſe dollars?——He ſaid they were put into his hand by Dolfin, but when the candle was brought him, and he ſaw what they were, he returned them immediately.

Court to Proſecutor. What is the value of the dollars?——Two thouſand four hundred and fifty pounds, and ſome fraction of ſilver; the value of the watches about two hundred pounds.

JOHN DOLFIN *ſworn.*

I follow the water.

Do you know any of theſe priſoners?

Mr. Morgan. There is nothing to affect the priſoner Cook.

Court. It is very weak, but I think there is ſuch evidence given in regard to him, as has been held ſufficient to put him on his defence, for it has been proved, I think, by the woman, that he was in company with the priſoners three different times before the robbery, that is a circumſtance to be ſure.

Mr. Silveſter to Dolfin. Which of the priſoners do you know?——I know all the priſoners.

What happened on the 6th of October?

Mr. Scott. I hope your Lordſhip will be of opinion, this man is not intitled to give evidence againſt Jameſon, becauſe there is not a tittle of evidence againſt him.

Mr. Silveſter. There cannot be any objection to this witneſs's competency; the queſtion is, how far the Jury will believe him.

Court. It is not abſolutely a rule of law, that accomplices cannot be examined, it is rather a rule of prudence and humanity; but wherever there is any kind of circumſtance that gives an air of probability to a ſtory, there it is for the Jury to judge of the credit; now, where the priſoners have been proved to be together in company, previous to the robbery, that is a circumſtance which has been left to the Jury, and I think it ſufficient in point of law.

Mr. Morgan. I beg leave to remind your Lordſhip, that ſhe has only ſpoken to Jameſon, Cook, and to one Miles; Miles is not here, and with reſpect to Jameſon and Cook, I beg leave to refer to my Lord's notes, there is no evidence againſt either of them; Miles is not here; if they had proved

proved Payne to have been in the houſe there might have been ſomething in it.

Mr. Garrow. There are ſome of your Lordſhips would call him firſt.

Mr. Scott. This witneſs cannot confirm any thing, or corroborate any thing againſt Jameſon, becauſe nothing has been proved againſt him.

Mr. Garrow. Take it ſo, Mr. Scott, but he may be confirmed by and by.

Mr. Juſtice Aſhurſt. What you ſay is true, that ſome of the Judges do take an accomplice firſt, but unleſs he is confirmed, it all goes for nothing; the only queſtion I think will be, whether there has been any evidence that applies to any of the priſoners, becauſe the woman's evidence goes to this, that ſhe ſaw Miles and Jameſon at the houſe; now, wherever you bring home clear evidence to one perſon of a fact, and you give evidence by witneſſes, that *that* perſon was in company with another or two, that will be ſufficient to let in the evidence of the accomplice, that the other two were preſent at the time of committing of the robbery, but you muſt have ſome fact that applies to this robbery, now there has been no evidence proved againſt Cook and Jameſon, as applying to the robbery; the only evidence that has been is againſt Payne.

Mr. Silveſter. We muſt firſt hear this man's ſtory, we are giving evidence againſt Payne, and your Lordſhip will take care to diſtinguiſh it in your directions to the Jury.

Court. Now tell us all you know about this robbery.

Dolfin. I think it was on the 7th of October, about ſeven in the evening, we went on board the brig Elbe, Edward Payne, May Cook, myſelf, Thomas Brown, John Miles, Joſeph Church, and James Gray; before we went on board of her, we took a boat at King Edward's ſtairs, then we rowed over the water to Church Hole, there we changed the boat; we went on board, we faſtened the fore-caſtle down, and went down to the cabin, Joſeph Church and myſelf went down; Church upſet the Captain's cheſt, and we looked under the Captain's cabin, and there Joſeph Church hauled out three casks and two boxes, and after that we got them upon deck, and into the boat, when we got them into the boat we rowed down to Limehouſe.

Mr. Silveſter. How came you to look at this place?—Arthur Jameſon gave us the information of that.

Court. Jameſon was not with you?——

Mr. Morgan. I take the liberty of ſubmitting, there is no evidence againſt Jameſon.

Court. Let him go on?——We then rowed to Robert Brown's back door, and Thomas Brown jumped out of the boat, and went round to Robert Brown's fore door, and he was let in, and he came backwards and got a tackle fall out, then they hoiſted three caſks and two boxes into Robert Brown's back door, and then we ſtood all round, and broke in the head of the caſk; there was myſelf, Miles, Church, Gray and Brown, and we found they contained bags of dollars; then we opened the bags, and we began ſharing them out, five and five; then we thought that too tedious, and we took a two quart pan to meaſure them out, after we ſhared the dollars, we began ſharing the watches, we ſhared thirteen watches a piece, after we ſhared the watches and dollars equally alike, we carried them all into Robert Brown's fore parlour, then Thomas Brown called his father down to make a fire, and Robert Brown came down into the fore parlour, and we collected round eight and fifty dollars to give him; Robert Brown ſaid after he ſaw what they were, he would have nothing at all to do with them.

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY 1785, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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MDCCLXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Edward Payne, &c.

Court. Jameſon was the only man that belonged to the ſhip, amongſt thoſe people you have mentioned?—Yes.

Was Jameſon with you at Brown's?—No.

Then Brown's ſon aſked him if he would make a fire, and he ſaid he would, and he helped to make it with one of the two boxes.

Court. Did he put them on?—Yes, and then afterwards he took his adze and cut the hoops off the caſks.

Jury. Was that old Brown or his Son?——That was Robert Brown; afterwards James Gray, and Edward Payne carried their ſhares to Mr. Wolfe's; Joſeph Church and May Cook, carried their money to Kuſhmore and Farmers, in Petticoat-lane, it fetched them ſeventy-five guineas, I did not go with them; John Miles went home with Thomas Brown, and Thomas Brown took a part of my ſhare home to his houſe, I ſold three hundred and ſeventeen to Kuſhmore and Farmer that ſame evening, Kuſhmore came to me and gave me a ten pound note, and Miles another, that was in part of payment, the ten pound note he gave to John Miles was for the watches; on Friday evening I came down for my ſhare, and Brown ſaid I had them, but not to make any diſcovery; he gave me a ten pound note, becauſe he had my dollars to his houſe, he told me ſomebody had taken them from him: I buried my own watches in my mother's garden, and when I was ſworn in as an evidence, I gave them to Mr. Elby.

Mr. Chetwood. You went to the back door of old Brown's houſe?—Yes, he was in bed.

How long was it before he was called down to make a fire?——After every thing had been ſhared.

You had brought them all forward into the fore room?—Yes.

Were the boxes broke?—No.

His ſon-in-law, you ſay, called him up?——Yes:

When the fifty-eight dollars were offered to him, he ſaid he would have nothing to do with them?——Yes.

You ſay he cut the hoops to pieces for the purpoſe of making a fire?——Yes, Sir, for deſtroying them.

Mr. Silveſter. What became of the fifty-eight dollars that were collected?—He gave them to his ſon.

Court. No part of the property was left in

in the houſe?——Yes, there was Joſeph Church's, May Cook's, and Arthur Thompſon's ſhare, when he gave the information.

Was any part of Payne's left there that night?——No.

What time did you leave Brown?——Between four and five in the morning.

When did Payne go away?——He went away firſt, and took part of his ſhare.

Did he return again?——Yes, in about half an hour, then he came down and took ſome of them away, and I could not tell afterwards what became of them, he brought no money away.

When did he take the reſt of his ſhare away?—I cannot anſwer for that.

You did not ſee any body come with him when he came back again?—No.

Was you preſent when Jameſon gave the information to Cook or to Miles?—No, I only heard that from Church.

Priſoner Payne. I leave it all to my Council.

Priſoner Cook. I leave it to my Council.

Mr. Chetwood. My Lord, as to Robert Brown, I have fourteen houſekeepers that came here to his character.

Court. The circumſtance of Brown's having burnt the caſks, is but a ſlight circumſtance.

Priſoner Payne. My witneſſes are not here.

EDWARD PAYNE, GUILTY, Death.
MAY COOK,
ARTHUR JAMESON,
ROBERT BROWN, } NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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217. JOSEPH FITZPATRICK was indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of David Richardſon, on the 17th of December laſt, about the hour of ſeven in the night, and burglariouſly ſtealing therein, ſeven cotton handkerchiefs, value 14s. his property.

DAVID RICHARDSON *ſworn.*

I live at No. 72, Wapping, I keep a ſlop-ſhop; on the 17th of December, between ſix and ſeven, the window of my ſhop were broken, I was ſtanding in my ſhop, I heard the glaſs break, I ran out into the ſtreet, they told me the thief was run down the alley, and called out ſtop thief, and run through a rope-walk, and a perſon called out, we have got him; I did not ſee him before, I went up immediately.

ROBERT WAGGENOT *ſworn.*

On the 17th of December laſt, I was going down to Wapping, and heard the cry of ſtop thief; then I met the priſoner running, and ſaw him drop ſomething from his hand, and I ſtopped him; I then went and picked up the handkerchiefs, and I gave them to Mr. Richardſon.

(The handkerchiefs depoſed to by the Proſecutor's hand writing upon them.

Proſecutor. I ſaw them in the morning.

Where did you ſee them?——They lay in the window among other things.

Priſoner. I picked up the property on the outſide the door.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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218. JOHN BRUCE was indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of John Scott Whiting, about the hour of five in the night on the 19th of December laſt, and burglariouſly ſtealing therein, thirteen ſilver table ſpoons, value 7l. two ſilver gravy ſpoons, value 30s. two ſilver ladles, value 30s. one ſilver ſoup ladle, value 30s. four ſilver deſert ſpoons, value 30s. a ſilver ſtand for caſters, value 42s. five ſilver tops for caſters, value 15s. and one ſilver waiter, value 5l. his property.

JOHN SCOTT WHITING *ſworn.*

I live in Broad-ſtreet, Ratcliff-croſs; on Monday morning, the 20th day of December,

ber, about five, my ſervant rapped at the door, and told me there were thieves or rogues, I drew my bolt of my chamber door, and told him to reach my blunderbuſs, I called to the watchman, who happened accidentally to be at the front of the houſe, and ſaid, do you go to the back of the houſe and do not make any noiſe, and I will go down; after having loaded my blunderbuſs, I took my piſtols, and told my ſervant to follow me; I went without ſhoes, not to make a noiſe, and when I got within five ſteps to the bottom, I hallooed to them, but not hearing any of them move, I went down the remainder of the ſtairs, and went into the parlour, which door I found open that had been locked, on coming to the parlour, I found a cloſet door open which had been locked, and the plate, which was for the uſe of the family, gone, I loſt the things mentioned in the indictment.

What is the value of the whole?—The value of the whole to replace would coſt me thirty pounds, it might be of half the value. I then went in purſuit of them, which took me ſome little time, when I opened the door of the houſe that leads into the yard, I found a door at the extremity of that forced open likewiſe; I traced them, through the ſnow, to a garden that divides my ground, through ſome ground occupied by Mr. Harriett; Mr. Hicks's pales divides Mr. Hicks's garden from mine, they are nine feet high, and they pulled ſome of them down, ſo that they could get over; they got in at the parlour window, the bar of which had been broke open.

THOMAS SUMMER *ſworn.*

I am ſervant to the proſecutor, on Sunday the 16th of December, I remember this window that was found broke open, on the Monday it was very ſecure, I had faſtened it; it was broke open the next morning, the bar was twiſted ſeveral ways; I went to bed a little after twelve, and was alarmed about five.

CLEMENT HARRIS *ſworn.*

I am a watchman, on Monday the 20th of December, I was crying five, in Broad-ſtreet, and the proſecutor called from a two pair of ſtairs, do not make any alarm, but go round, there are ſome thieves in my back yard; I called for Hall to go with me, and went to the back door, and placed him at one of the garden gates, ſo I went round to the other back gate of Mr. Hicks's, and there I met two of them coming out: the back gate I went to is in a court or alley, I do not know the name of it, and when I came round, the priſoner at the bar and another man ruſhed out of the gate, I cannot ſay who the other man was; the gate leads from Mr. Whiting's premiſes, and I cried out to Hall, here are the thieves, with that the tall one made a ſhove, and I had liked to have knocked him down, he was in the corner, and I knocked the priſoner down, and as he was laying upon his back, thought I, I will have one of you, I was lifting my ſtick at the other man, and he fired a piſtol at me, I heard the ball whiſtle paſt my ear, then they both run away to the top of Butcher-row, I cried ſtop thief, and fell down, and the other man that was along with the priſoner, turned and ran back, he ran by me when I tumbled down, and ran up Brook-ſtreet.

Court. Not towards the proſecutor's houſe?—No; they then ſaid they had got the priſoner, then I came up to him, and the man ſaid he had got a piſtol, I ſearched him, and took this piſtol primed and loaded out of his pocket.

Are you ſure that is the man that you firſt knocked down?——Yes, I can ſwear to him.

When he was taken, was his dreſs the ſame?——Yes; I knew him before, I have ſeen him come home all hours in the night, and come cloſe by my box: I found this piſtol upon the priſoner, and Hall took up a crow that he threw out of his pocket.

Court. There is no thorough-fare there but that leading to Harriett's garden and the proſecutor's?——No other. This is the loading of the piſtol.

Mr. Chetwood, Priſoner's Council. Where did you ſee the man that you ſuſpected came from

from the profecutor's firſt?——This man ruſhed out of Mr. Hicks's garden, the gardens join, it was not upon Mr. Whiting's premiſes.

Were not other people looking about beſides you?——Yes.

You knew the priſoner before?——Yes, very well.

Did you know him at firſt?——I knew him as ſoon as I had him down, I had my lanthorn in my hand.

After he got up, did he tell you who he was?—I knew him very well.

Did you call him by his name?——No.

Was he ſearched?—I only took the piſtol out of his pocket.

Had he any thing elſe in his pocket?—I did not look for any thing more after I took the piſtol out.

Do you know or not know, that none of the property was found upon him?——Nothing but the piſtol.

Was this the ſame man that you knocked down firſt?——Yes.

Was there any mark upon him?——I knocked him down once, and he did not get up, then I made another blow to keep him down.

Yet you ſay there was no mark upon him when he was taken?——How could there be?

There was not, was there? anſwer the queſtion.——Not that I know of, for he warded off the blow with his crow.

Did he offer to ſtop and be ſearched?—He offered it at the Juſtices.

He had been in your cuſtody from the time he was taken to the watchouſe?——Yes.

WILLIAM HALL *ſworn.*

I am a private watchman; about five in the morning Mr. Whiting looked out of his window, and ſaid there were thieves, he bid us go to the back of his houſe, and ſee that all was faſt; I went to the garden gate, and bid Hall go to Brookwall in the other alley, and then I heard him run through Mr. Whiting's garden; I ran to meet him, and before I got there he hallooed out Hall! Hall! here are the thieves! before I got to the corner I heard one piſtol go off, I run by the alley, and by the garden gate I picked up this crow, as they run I ſuppoſe it dropped from out of their hands; I met the other watchman, and we went towards the ſtreet, and in the ſtreet we met another watchman, who called ſtop thief! his name was Hamwood, and he ſaid, I have ſhied my ſtick at him, and he is gone on; and in about a minute they came up with the priſoner Bruce, and the man had him faſt in his arms, Harris put his hand into his pocket, and pulled out a piſtol that was loaded and primed.

(A crow produced.)

Mr. Garrow, another of the Priſoner's Council. You never ſaw any thing of the priſoner till after he was in cuſtody?—No, I was not near enough.

Neither of the piſtols that you found had been diſcharged?——No.

Court. Was there a track of feet both to and from Mr. Whiting's houſe?—Yes, we could ſee the track of a good many feet through ſnow, the ſnow lay very thick upon the ground.

JOHN HAMWOOD *ſworn.*

I am the other watchman, I was going from my duty, I heard my fellow watchman cry ſtop thief!—A man ran by me and called ſtop thief!——There was no man paſſed by me but Mr. Bruce, the name of the man that ſtopped him is William Raymond.

Mr. Garrow. What time do you go upon duty at this time of the year?—At ten.

And ſtay till day-light?—Stay till five.

Was there day-light enough to ſee whether that was Bruce as he paſſed you?——There was no other paſſed, I could not ſee whether that was the man that paſſed me, I ſaw the ſame man paſs by me that was taken.

Was there day-light enough to ſee the man's face?——No, there was not.

WILLIAM RAYMOND *ſworn.*

On this day about twenty minutes after

five I ſtopped the priſoner, he was running as faſt as he could run; I croſſed upon him and he fell down, Hamwood was at that time about twenty rood off, there was no body elſe between me and Hamwood; we took him to the watch-houſe.

Mr. Chetwood. Was he ſearched at the watch-houſe?—I found a piſtol in his pocket, there was no property, no plate that I ſaw.

JOHN TRAPPETT *ſworn.*

I am watch-houſe keeper, I remember the priſoner being brought to the watch-houſe; I locked him up and another man, I found nothing upon him.

JOSEPH GARDNER *ſworn.*

I had the priſoner in the watch-houſe, and after he was locked up, I ſaw him throw two keys out of the bars into the ſtreet, I went and picked them up directly.

WILLIAM BRAINE *ſworn.*

I live at the orchard, Ratcliff-croſs, I know the proſecutor, and I know the priſoner vaſtly well too; on the Sunday before the robbery I ſaw him at the proſecutor's ſhutters, he had his hand at them, as a perſon might do to ſee whether they might do or not, after I had gone down to the croſs, and gone down the Butcher-row, he was ſtanding there then, but he had not his hand on the ſhutters then.

Priſoner. This alley which the watchman ſwears to near my houſe, is a very dark bye alley, but it occaſioned me to go through very often on my buſineſs, the walls are very high on each ſide, and very narrow; there is one Mr. Brodie I believe was in company with this laſt witneſs coming from meeting, and he knows me very well, and he was coming by.

Priſoner to the laſt witneſs. Was Brodie with you?——He was, I ſaw the priſoner, but he did not ſee me, I mentioned it immediately to Mr. Hyde where I lodged, Brodie has ſaid nothing to me reſpecting him, I am quite poſitive that I ſaw him.

What are you pray?——I am a baker, I had been at meeting with Brodie.

ADAM MILLS *ſworn.*

I live in Biſhopſgate-ſtreet, I have known the priſoner about five or ſix months; I keep a public houſe, I never knew any thing of him but as a cuſtomer; I gave him an order to make me a wig, he brought it home; as my wife was taken in labour, I deſired him to ſtay an hour, I paid him for the wig about three, I believe it might be about four when he went from our houſe.

—— CLARIDGE *ſworn.*

I never ſaw him twice in my life, I ſaw him at Mr. Mills's, that was on the 19th on Monday morning between two and three; Mr. Mills ſaid, now Mr. Bruce I will pay you for the wig, they ſtaid till paſt three o'clock, and Mills aſked him to ſtay with him all night and not go home; the priſoner put his hand into his pocket, and ſaid, I have what will protect me through the fields, and he took out a piſtol and put it in his pocket again, and ſtaid about a quarter of an hour, and went home.

JOHN NIGHTINGALE *ſworn.*

I have known the priſoner at the bar ever ſince he has taken a ſhop at Ratcliffe croſs, I have ſerved him, he was always in his buſineſs, I thought he was doing well, he kept the beſt of company in the neighbourhood, I do not know where he came from.

The Priſoner called five more witneſſes who all gave him a good character.

GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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219. THOMAS BROWN was indicted for feloniouſly aſſaulting James Cook on the King's highway, on the 7th of January, and putting him in corporal fear

fear and danger of his life, and feloniously taking from his perſon, and againſt his will, one baſe metal watch, value 20s. one cornelian ſeal ſet in gold, value 10s. and ſix guineas, value 6l. 6s. his property.

JAMES COOK *ſworn.*

On Friday night laſt about ten minutes after four in the afternoon, I was robbed at a place called Crouch-end, between Highgate and Hornſey; I was in a poſt-chaiſe with my wife, the priſoner came after the chaiſe on the off ſide, and ordered the boy to ſtop twice, he ſtopped, he then preſented a piſtol to the chaiſe door, and ſaid, deliver your money immediately, no heſitation, I will blow your brains out by God; I immediately handed him over ſix or ſeven guineas, he then ſaid your watch, Sir, no parleying, I will blow your brains out by God, I gave him my watch immediately, he then ordered the boy to go on; when the boy had got about a hundred yards diſtance, there were two ſmall houſes, and I told the boy to get on, which he did in the ſpace of a minute, I then got out, and I told the boy, I thought it was extremely hard to be robbed in open day light; a perſon came out of one of the ſmall houſes, and ſaid, have you been robbed, Sir, I ſaid yes, I have within a minute at the top of the hill, ſays he, my horſe is bridled and ſaddled, and we ſhall certainly take him; I then told the boy to take one of the horſes out of the chaiſe, and they both ſet off together; I then ordered the chaiſe to a little public houſe on the right hand, to wait the event; and they came back and informed me, they had the man and left him at Iſlington, they came back in about an hour and quarter; the priſoner was alone, you muſt remember, my Lord, he had a large white handkerchief on when he robbed me, that came over the lower part of his face, but I am ſure he is the man; the upper part of his face, his hair, his hat, and his voice, I well knew the ſecond time when I ſaw him; I know his coat which at that time was very cloſe buttoned; upon the whole I have no doubt in the world of his perſon, I know him to be the man; inſtead of going to Edmonton where I have a houſe, I ordered the chaiſe back to Iſlington, he was then gone to Clerkenwell priſon; both Mrs. Cook and myſelf went there and had a ſight of him.

Did you know him immediately?——I did, my watch was never found again, there was a watch found at Iſlington the next day, but it did not prove to be mine.

Mr. Garrow, Priſoner's Council. Mr. Cook, you did not know this young man before the time you was ſtopped, I take it for granted?—No.

Did I underſtand you right, that he followed the chaiſe?—Yes.

Did he come up the near ſide?——No, the off ſide, Mrs. Cook's ſide.

He was not a minute?—No.

He uſed expreſſions that very much alarmed you, for Mrs. Cook if not for yourſelf?——I was not alarmed, it is not the firſt time I have been robbed in this manner.

Deſcribe how the handkerchief was put on his face?——In this manner under the noſe.

You ſpoke as differently before you put on the handkerchief, as you do from me, ſo that it would ſeem, having heard a man's voice once through the handkerchief, you would not venture to ſwear to it?—I heard him ſpeak the ſecond time, without the handkerchief.

Did you know him when you ſaw him in Clerkenwell?——I was ſenſible he was the perſon, but when he robbed me his coat was buttoned up to the top, I aſked for a Mr. Brown, he very politely got up, and ſaid his name was Brown; he ſaid, he had no other handkerchief but this, but he had another on when he robbed me, which was afterwards ſmothered, and was not to be found.

Was you ſure of him the firſt time, when you ſaw him at Clerkenwell?——I was more ſure of him the ſecond time, when I ſaw him as he robbed me.

What

When you ſaw him the ſecond time, had you any doubt about him?——I might have ſome little doubt.

Had you, Sir?——I had.

Was that doubt removed when you came before the Magiſtrate?——It was.

Am I to underſtand you that when you was firſt before the Magiſtrate, you was as poſitive that Brown was the perſon that robbed you, as you are now?——I was, but Mrs. Cook, after this, ſaid to me, my dear Jem, I ſhall never be happy if you ſwear to the man.

My queſtion to you is, whether before the Magiſtrate you ſwore with poſitiveneſs and certainty, that he was the man the firſt time?——I did not ſwear at all concerning it, I was affraid to ſwear at that time, I ſaid he was the man.

How do you mean you did not ſwear, you was ſworn to your examination?——Then I ſwore he was the man.

Did you before the Magiſtrate, immediately ſay he was the man that robbed you?—I did, I knew him to be the man then.

Did you ſay it then?——I did ſay then, that he was the man, I knew he was the man all the way through.

I muſt be very particular, and you will excuſe me if I am ſo, I wiſh to treat you as I would every other gentleman in the ſituation of a witneſs, did you before the Magiſtrate, when you firſt ſaw this man, poſitively ſwear he was the man that robbed you?——I acquainted the Juſtice that I verily believed he was the man, I was ſure when I ſaw the handkerchief, and ſaw him buttoned up, I ſaid, I had every reaſon to believe he was the man.

Was not he dreſſed on purpoſe that you might believe he was the man?——I know his dreſs well.

I aſk you a plain queſtion, and I ſhall begin to alter my opinion of you, if you anſwer me in this manner; was not this man dreſſed for the purpoſe of your being able to identify him?——He was.

Was not that in conſequence of your doubts about him?——He appeared very differently, I had a deſire to ſee him as he robbed me.

Then before you ſaw him in that dreſs, you had not poſitively ſworn to him?——I ſaid before the Juſtice, that I verily believed he was the man.

Upon your oath, before he was dreſſed with his great coat buttoned up, and his handkerchief before his face, did you poſitively ſwear he was the man?—I ſtill ſay, that I acquainted the Juſtice that I verily believed he was the man.

Court. But before he was dreſſed, did you tell the Juſtice whether he was the man or not?—I did.

What did you ſay?—I told him he was the man that robbed me, and afterwards I knew him well, exceedingly well; I am ſorry to ſay it, he is the man that robbed me.

Mr. Garrow. You ſay, "and afterwards you was ſure of it," was not he dreſſed becauſe you had ſome doubt about ſwearing to him?—I begged it as a favour that his coat might be buttoned.

Did you beg that on account of ſome heſitation?——No.

For what reaſon then?——I had no doubt about it, I only wanted to ſee him in the ſituation he was in when he robbed me, that was my whole reaſon.

I aſk you, Sir, whether previous to your having deſired that he might be ſo clothed, you had poſitively charged him to the Magiſtrate to be the man?——I had in my own mind.

Had you to the Magiſtrate?——No, I had not.

How long had the man been out of ſight who had robbed you?——There was not four minutes between the robbery and their ſetting off, it was an hour and a quarter before I heard any thing more, I am not poſitive as to the time.

What ſort of an evening was it?——A very fine one.

Court. If you had met the priſoner in a different dreſs in any part of the town, and in different coloured clothes, ſhould

you

you have known him?—Upon my word, I do not think I ſhould.

JAMES SKIVINGTON *ſworn.*

I am the poſt-boy that drove Mr. Cook; I purſued after the perſon that committed the robbery, about three or four minutes I drove down the hill, and a man came out of one of the houſes and joined me, I took one of the chaiſe horſes.

How ſoon did you get ſight of the man you was in purſuit of?——I cannot ſay, I did not get ſight of him till I came near Holloway turnpike, that is between three and four miles from the place where the robbery was committed, after we got ſight of the perſon, the gentleman that was with me rode up cloſe to him at Holloway turnpike.

How long was it after you firſt got ſight of him, that you came up with him?——Four or five minutes.

I ſuppoſe you rode pretty hard from Crouch-end?——Yes, we galloped all the way.

Was the man on a gallop?—Yes, I did not ſpeak to him till he was taken, I ſaw the gentleman ride up cloſe to him, but I did not hear what paſſed.

How far might you be behind?—Two hundred yards, when I came up he was diſmounted, and in the ſign of the Fox through Holloway, at Iſlington, then the gentleman aſked me if that was the man, I ſaid yes, I knew him immediately when I went into the houſe.

How long did he ſtay with your chaiſe?——No longer than he had the money and the watch, he followed the chaiſe, he was dreſſed in a Bath great-coat buttoned, and a white handkerchief over his face, as high as his noſe.

You ſitting on your horſe, and he at the chaiſe with his face half covered, could you know him again?—Yes.

By what did you know him?—I knew him by his coat, and hat, and horſe, it was a brown bay horſe, with a ſwiſh tail.

Had you ſeen him in a different dreſs and without his horſe, ſhould you have known him?—Yes, I ſhould have known him by his voice.

When a man's mouth is covered, is his voice the ſame as if it is not?—Yes, it appeared ſo to me.

Upon the whole are you quite ſure he is the man?—Yes.

Were you ſure of him when you firſt ſaw him at the Fox?—Yes.

Have you always ſaid ſo?—Yes.

Mr. Garrow. The perſon that robbed your maſter came up ſuddenly?—Yes, on the off ſide.

There was a part of the carriage between you?—Yes.

Did he turn his horſe round, or come up?—He came up, his horſe's head was the ſame way as mine, as ſoon as he robbed my maſter, I ſtood up in my ſtirrups and looked over, and he was off his horſe.

Court. What was he doing?—I cannot ſay.

Mr. Garrow. You did not take much notice, you purſued him in leſs than three minutes, when did you ſee the ſwiſh tail?—Whilſt he was robbing the chaiſe.

That is pretty well ſworn I think, how many turnings are there between Crouch-end and Holloway-turnpike?——I cannot tell you.

There are a great many, I think I can enumerate ſeven or eight, was there any watch found upon him, when he was taken?——No.

No property of Mr. Cook's or Mrs. Cook's?——None that I know of.

Was his hat a round hat?——It was flapped before.

Put on that handkerchief before your mouth, now do not you find your voice a little altered Mr. Poſt-boy?——No not much.

Can you ſpeak as clear and as ſhrill?—Yes.

WILLIAM HURGOOD *ſworn.*

I went in purſuit of of this man between two and three miles, I was twenty yards from Holloway-turnpike.

When you got ſight of that man how came

came you to take particular notice of him?——I was at Crouch-end, at one Mr. Wright's, Mr. Cook and his Lady came down there in a poſt-chaiſe, and he ſtopped the chaiſe and ſaid, he was robbed of his watch and ſeven guineas; he ſaid, he might be eaſily taken, I ſaid, I had my horſe in the ſtable.

Court. But how came you to take notice of that man when you had never ſeen him before?—Mr. Cook ſaid he had a light coloured great coat on, and a ſwiſhed tailed horſes.

What pace was he riding when you firſt ſaw him?—He was a gentle pace juſt going through the turnpike, I came on ſmart, and came up to him about twenty yards this ſide the turnpike.

Did he quicken his pace at all?—No.

Had you rode pretty hard from Crouch-end?—Yes, as hard as I could.

Was you pretty well mounted?—Yes; when I came up to him, I ſaid it is very cold Sir, yes ſays he it is, he then mended his pace, and rode on a very gentle canter, I then aſked him why he rode ſo hard, and he made anſwer and ſaid, it was very cold, he then mended his pace faſter and faſter, till he rode as faſt as he could, I wiſhed for that Poſt-boy to come on, and the priſoner mended his pace as faſt as he could and I as faſt as I could, going up the riſe of the hill, I cried out this is a highwayman, ſtop him, he went on, and I cried out ſtop him as loud as I could, he rode over a man and knocked him down on the long ſide of a waggon, he then came a little on this ſide of Iſlington Church, and then whether his horſe ſlipt, or whether he fell, I cannot tell which, I was about nine or ten yards from him, I deſired the people to hold him a minute while I fetched the poſt-boy, that he might be right in the perſon, the poſt-boy came up directly, and ſaid that is the man; the priſoner was then on foot, the horſe run away a little way, the horſe was ſtopped, and put up at the Pyed Bull in Iſlington, it is now in the yard.

What time in the evening was this when you came up with him at Holloway turnpike?——I take it, when Mr. Cook came to Mr. Wright's, it was twenty minutes paſt four, it was not five; when I came up to him it could not be above forty minutes after four, nor that; it was beginning to grow duſk, but it was lightiſh.

Did you obſerve any thing particular when you came up along ſide of him?——I ſaid to myſelf as I went along, how am I to know this man, and I recollected Mr. Cook ſaid what was the colour of his coat, and about his horſe's tail.

Did you obſerve any thing particular about him or his horſe?——He had a great coat, and a horſe with a ſwiſh tail, it appeared to me to be a ſlender horſe, a kind of blood horſe in poorish condition.

Did you obſerve whether he was or was not dirty?——I cannot ſay that I took notice of it.

Did the horſe appear very hot?—No, he did not appear to be very hot, he did not ſeem to ſweat when I firſt came up to him; he was hot when he was ſtopped.

What condition was your horſe in?—In good riding order.

Was your horſe hot?——Yes.

Mr. Garrow. The poſt-horſe was blown ſo he could not keep up with you?——He was pretty hot.

EDWARD LAVENDER *ſworn.*

Laſt Friday evening, between five and ſix, the priſoner Brown was brought to Mr. Blackborough's, by one Mr. Bonnick, and another, I ſearched him, and in his left-hand pocket I took out this piſtol, loaded; in his right-hand pocket was this, with ſome powder, and a kind of ſlugs, and I took nine guineas and ſome other monies, and a large white handkerchief from him, the handkerchief I returned, and two guineas of the money.

What account did he give of himſelf?—Mr. Blackborough aſked him how he came on that road at that time; he ſaid he had been out as he uſually did, for his own diverſion and pleaſure, and that he took the piſtol

piſtol with him as a defence, having ſeveral times been attacked by footpads; when I took the piſtol out of the priſoner's pocket, I aſked him if it was loaded, and he ſaid it was, but I found it was not.

Court to Hurgood. After the converſation about the weather being cold, and his quickening his pace, did any thing more paſs between you?—No.

Did you deſire him to ſtop at all?—No, Sir, I did not.

In what manner did you call out?——I called, ſtop him, ſtop him, he is a highwayman.

What account did he give of himſelf?—That he was a tradeſman in Little Norton-ſtreet, Marybone, No. 8, a tobacconiſt.

Mr. Garrow. Do you know whether that is truth?—I do not know.

PETER HYDE *ſworn.*

I was coming from labour on the Iſlington road, on Friday night, between the Pyed Bull and the Fox, hearing a cry of ſtop him, ſtop him, I turned round and looked behind me, and ſaw the priſoner ride by, he fell from his horſe, I helped him up, and the gentleman came up and ſaid, ſtop him, he is a highwayman.

PRISONER's DEFENCE.

I have no further than this to ſay, that I took my horſe out for an afternoon's ride, I rode that way; I have many people to call to my character, if you pleaſe to hear them.

ROBERT WARNER *ſworn.*

I live at No. 2, in May's Pond, I knew him from a child, I knew him at Portſmouth, I know no other than he bore a univerſal good character; he is a grocer and tobacconiſt, in buſineſs for himſelf.

Court. Where did he live before he was taken?—At No. 8, Norton-ſtreet, I cannot ſay how long.

Have you known him lately?——He has not been in town a great while, I do not know where he lived before, I have been in town for theſe five years.

How long has he been a grocer and tobacconiſt in Norton-ſtreet?——About five weeks, he keeps a houſe and ſhop there.

JAMES BLYTH *ſworn.*

I live in Crown-court, Soho; I knew him when he was a child; I have known him lately, he keeps a houſe in Norton-ſtreet, and is a tobacconiſt, he carried on buſineſs there on his own account, for every thing I ever heard of him. I always knew him to be of a good character, and he came of a good family.

Court. How long has he taken up the trade of a tobacconiſt?—I believe a month or two.

Is he married or ſingle?—Married, I underſtand, my Lord, he married a widow with one child.

MARGARET WATSON *ſworn.*

I live at No. 5, in Riding-houſe-lane, near Portland Chapel, the priſoner lodged at my houſe near three months, always kept good hours, never out after eight at night, and his wife alſo; they took a houſe, No. 8, in Norton-ſtreet, they went from my houſe there, and kept a grocer's and tobacconiſt's ſhop; he went away laſt month; he has a good character.

GEORGE BAYLEY *ſworn.*

I live with Mr. Clark, a hackney coachman, I look after this young man's horſe, he ſtands at Mr. Clark's, I am hoſtler, and the priſoner's horſe ſtood there a month, and he lives in Norton-ſtreet.

Court. What ſort of a horſe was it?—A brown horſe, with a ſwiſh tail.

Is the horſe in or out of condition?——Mr. Brown took him out, juſt to exerciſe him, he had been in five or ſix days, his legs were ſwelled, he went out that day between two and three.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

220. STANS STROUD and GEORGE CLAYTON were indicted for feloniously ſtealing, on the 26th of December, two iron drag chains, value 20s. the property of Thomas Scott, Eſquire.

JAMES UPSDALE *ſworn.*

I am clerk to the proſecutor: on the 26th of December, between ſeven and eight, I was informed two men were ſtopped with two chains, I came and ſaw they were my maſter's property, and ſent for an officer to take them into cuſtody, there were two chains miſſing of thoſe he had got, we had them at work on the 24th.

JOSEPH GRANT *ſworn.*

On the 26th of December, I had been down the alley with a gentlewoman, and coming up again, I obſerved the iron upon each of them, it was the day after Chriſtmas day; I walked before them, and went and told my maſter, two men were gone by with ſome chains, and I believed they belonged to Mr. Scott, at the mill, I had ſeen them at work with ſuch ſort of things; my maſter came out, and the men were taken in my preſence; I ſaw the chains drop out of Stroud's hands.

(The chains produced.)

JAMES WESTBROOKE *ſworn.*

I am maſter to the laſt witneſs; on the 26th of December, between ſeven and eight in the evening, my ſervant, Joſeph Grant, came in and informed me, there were two men going by, loaded with iron, but he believed them to be the property of Mr. Scott; I had nobody in the houſe but cuſtomers, beſide two brothers and their wives; I went to the door, and took them with me, it was moon-light, and I ſaw two men at the diſtance of thirty yards, which were the two priſoners, who were juſt together; as ſoon as I came up, the priſoner Clayton turned himſelf round, and ſtood as if he was making water, the other man had the iron between his legs; ſays I, friend, you are loaded hard, a little, Maſter, ſays he, and flung them over his ſhoulder, he ſaid he was going to the wheeler's; I turned myſelf round, miſſing the priſoner Clayton, I ſaw he was walking off, I ſays to my brothers at a diſtance behind me, mind what you are at, there is one of them off; while I was endeavouring to ſpeak to them, the priſoner Stroud flung this chain off his left ſhoulder, and he ran away, I purſued them and came up with Clayton firſt, and threw my right arm out, and catched him by the collar and brought him to the ground, and left a brother of mine in the care of him, attempting to take the other, but finding my elder brother and the lad was in purſuit of him, I thought it unneceſſary, I immediately turned back, thinking he might get from my brother, therefore I laid hold of Clayton, and made him riſe up, and go into my houſe, then they brought Stroud back; I ſent for Mr. Upſdale, and he owned the chains for Mr. Scott's property: I have had the chains ever ſince.

PRISONER CLAYTON'S DEFENCE.

He ſaid at the Juſtice's I was forty-eight yards diſtance.

(The chains produced and depoſed to.)

PRISONER STROUD'S DEFENCE.

I found them in the road, I thought they were Mr. Scott's property, and I was going to carry them to him.

What made you run away then?—I was frightened a little.

Each of the Priſoners called one witneſs, who gave them a good character.

BOTH GUILTY.

Publickly whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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221. JOHN WATSON was indicted for feloniouſly ſtealing, on the 30th of December laſt, one ſilver table ſpoon, value 10s.

10s. the property of Charles Logie, Eſquire; and one ſhirt, value 4s. and one cotton handkerchief, value 1s. the property of William Skelton.

MARY SKELTON *ſworn.*

I have not ſeen the priſoner a great many years, and he came to ſee me on the Thurſday before New Year's Day; I live at No. 14, Fludyer-ſtreet, with Mr. Charles Logie, it was about one, or a little after, I aſked him into the kitchen, he was a little while in the kitchen, and when he went away, I miſſed the ſpoon, it was a table ſpoon, with my maſter's creſt.

Do you know what the creſt is?—I believe it is a hand and a branch in it; I miſſed alſo a ſhirt and a handkerchief, the property of my huſband; I knew the priſoner, he did live with Sir Charles Gray; I had all the things in the kitchen that day.

THOMAS HYNES *ſworn.*

I am a pawn-broker, I live in the Broad Sanctuary, Weſtminſter; between two and three, on the 30th of December, the priſoner firſt offered me a table ſpoon, and aſked me ſeven ſhillings for it; I aſked him whoſe it was; he ſaid it was his own; I aſked him if it was his creſt, and he ſaid, no, but it was his own ſpoon, and the ſhirt and handkerchief, which he wanted ten ſhillings upon, I lent him half a guinea, having no ſilver.

(The things produced and depoſed to.

Priſoner. I never took any of them there.

The priſoner called one witneſs who gave him a very good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before the Lord Chief Baron.

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222. JOHN GOODEN was indicted for feloniouſly ſtealing, on the 25th of December laſt, three ſhillings and two ſixpences, the monies of William Ford.

SARAH FORD *ſworn.*

I am wife of William Ford, my huſband is a mathematical inſtrument maker, No. 42, New Compton-ſtreet; the priſoner came into my houſe on Chriſtmas Day-night, I know nothing of him, he took this money out of my till, I was coming into the ſhop, I ſaw the priſoner with his hand in the till, I did not ſee the money in his hand, but part of the money I knew afterwards, it was marked money, there were three ſhillings and two ſixpences which were miſſing, and found upon him: here is a gentleman here that ſaw him, and purſued him and took him; he run out of the door, and cried, ſtop thief! he was purſued and was brought back by the ſame perſon; three ſhillings and two ſixpences were found upon him.

THOMAS PATTERSON *ſworn.*

I only know I was ſent for, and found this money upon him, three ſhillings and two ſixpences; I produce the money.

JOHN BRATHWAITE *ſworn.*

I was in a little room adjoining to the ſhop, I ſaw a man go behind the compter, who I ſuſpected to be a thief, I purſued him and brought him back.

Mrs. Ford. I ſwear poſitively to that.

When did you count your money before?——About half an hour before; I had loſt ſome butter, that cauſed me to count my money.

PRISONER's DEFENCE.

I was coming down Compton-ſtreet, and they took me to a chandler's ſhop, and ſaid I had robbed the ſhop, my mother goes out to chair work.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

223. JOHN WILLIAMS was indicted for feloniously ſtealing, on the 24th of December laſt, one hundred and twenty-five pounds of ſapphora, value 6l. one wooden caſk, value 6d. the property of Samuel Righton, John Newcombe, and William Johnſon, being upon a certain key, called Galley Key, adjacent to the River Thames.

SAMUEL RIGHTON *ſworn.*

I am one of the maſters of the goldſmiths tackle porters, we muſt pay for the things; I only ſpeak to the property.

HENRY BARRETT *ſworn.*

I landed this caſk on the 24th of December, out of Mr. Mackenzie's lighter, upon Galley Key, there were ſeveral caſks more, this contains ſapphora; I ſaw it upon the key about twelve, a man came to me about one, and aſked me if I had loſt a caſk of blue, I told him no, I was ſure I had not, becauſe it was too heavy for a man to carry. Afterwards I looked and miſſed a caſk; it is a ſort of a mineral, they cannot blue china without it; I was informed that ſome people had ſtopped a man with a caſk of blue; my maſter went to look after it.

Jury. What weight was that caſk?——One hundred and twenty-five pounds.

DAVID LEVY *ſworn.*

On Friday the 24th, the priſoner came down Shoemaker-row, with this caſk on his ſhoulders, and I ſtopped him on ſuſpicion of its being ſtolen; there were four more ſailors like himſelf with him. I took the barrel off his ſhoulders, then they began to fight, and four of them got away; the priſoner run, and I run after him.

Who was with you?—The patrol, about three in the afternoon.

How came the patrol to be with you at that time?——The day before Chriſtmas Day they came down to receive their money at that time; he had the caſk on his ſhoulders, I took it in my arms, and put it down on the ground.

Did he ever get out of your ſight?——Never, I ran after him all the way to Gravel-lane; he ſaid the other ſailors gave it him to carry, and they paid him for his trouble; when I firſt ſtopped him, I aſked him how he came by it, and he told me theſe men employed him to carry it.

When you firſt ſtopped him, before they ran away, what did he ſay?——I aſked him what he had, and he ſaid he did not know.

Did not he tell you, when you firſt ſtopped him, that theſe men had given it him to carry?—He never ſpoke a word when I firſt took him, but, what is that to you? and they began to fight; I am ſure he never was out of my ſight, I ſtopped him juſt before my door, the caſk was carried to my houſe, and kept there ever ſince; this is the caſk, with ſome marks burnt in.

Court to Righton. Look at the caſk?—My Lord, I do not know it, if I ſaw it.

You had landed this caſk?—Yes.

How long is it in your charge?——Till it is ſent to the merchants houſes, and put into the cart.

Pray is not it in the charge of the wharfinger on the keys?——No, Sir.

Barrett. I will ſwear that was the caſk I landed, there was marked upon it, S. M. and there was only that caſk on the key with that mark upon it, and that one caſk with that ſort of goods on the key.

TEUSHEN HAKER *ſworn.*

I think I know this caſk, I cannot be quite poſitive, becauſe it is a ſort of goods which is always marked with the ſame mark, if there were fifty caſks; it came from Hamborough, we had imported two or three caſks, this was the laſt barrel of that mark which was in the ſhip, till it came up that morning, and as much as I can recollect, it is the ſame, there were three of that mark imported by me at that time, the other two had been delivered the day before.

Court to Barrett. Did you land any caſks the day before?—Two.

With this mark?——I cannot be ſure of the mark, but I took particular notice of this, becauſe there was only this one left.

Were

Were thoſe two other caſks ſafe delivered?—They were delivered the day before.

Are not there other importers as well as yourſelf?—There are three or four, and all uſe the ſame article; but I do not know there was any on board this ſhip.

What is the ſituation of Galley Key?—It adjoins the river.

PRISONER's DEFENCE.

I was coming over Tower-hill, about half paſt two, I ſaw two men with this caſk, they called to me, and aſked me to carry it about a mile, they ſaid they were going with it to a gentleman's houſe; I had not carried it long before I was ſtopped, the others run off, and I thought it was ſmuggled goods; I am a ſailor, I was coming over the hill by myſelf.

Court. What is the value of this?—Six pounds, ſuppoſe we ſay five pounds.

Court. Gentlemen of the Jury, this indictment is framed within the words of the Act of Parliament, which makes it death to ſteal goods to the value of 40s. or upwards, upon any key adjoining to a navigable river.

Jury to Barrett. Do you recollect ſeeing the priſoner upon the key on that day?—I ſaw him two or three times that day, I know him well.

How near the time of miſſing the caſk did you ſee him?——About an hour before the caſk was gone I ſaw him upon the keys.

Jury. Was the priſoner ever employed to work on the keys?—Never, that I ſaw.

GUILTY

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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224. GEORGE NORRIS, THOMAS FREEMAN, and WILLIAM JOHNSON, were indicted for feloniouſly breaking and entering the dwelling houſe of Robert Hennick, about the hour of eight in the forenoon, on the 21ſt of December laſt, no perſon being in the ſame dwelling houſe, and feloniouſly ſtealing therein, one cotton counterpane, value 20s. one other counterpane, value 30s. one printed cotton gown, value 15s. one callico gown and petticoat, value 30s. one callico petticoat, value 20s. one linen petticoat, value 20s. one cloth coat, value 40s. one ſhag waiſtcoat, value 10s. one velvet waiſtcoat, value 10s. one cloth great coat, value 10s. one pair of worſted breeches, value 20s. one ſilk cloak, value 20s. one linen table cloth, value 7s. one pair of ſheets, value 10s. two ſhirts, value 5s. three ſhifts, value 3s. one garnet ring, value 8s. three tea ſpoons, value 5s. one tea caddy, value 10s. two muſlin aprons, value 5s. one apron, value 1s. four aprons, value 15s. ſix muſlin handkerchiefs, value 12s. two ſilk handkerchiefs, value 4s. one lace cap, value 10s. one pair of pillow caſes, value 2s. and eighteen yards of ſilk lace, value 30s. the property of the ſaid Robert Hennick.

And WILLIAM TERRY FENLEY was indicted, for that he, on the 21ſt of December laſt, the ſaid cloth coat, one ſhag waiſtcoat, and one cloth great coat, feloniouſly did receive and have, knowing them to be ſtolen.

MARY HENNICK, *ſworn.*

I am wife of the proſecutor, I remember our houſe being broke open, I left it between the hours of ſeven and eight in the morning the 21ſt of December, we live in Spring Gardens, Mile-end, New-town; it was broad day-light, I locked my door and ſecured the windows, I left nobody in the houſe, my houſe is a lone houſe forty yards from any other, I returned in about half an hour; about ſeven o'clock as near as I can gueſs, a man came and knocked at my door, and aſked if my name was not Hennick, I anſwered him yes, my door was locked then, I aſked him what he wanted, he told me I muſt go immediately to

to the Ship, in Little-ſtreet, my huſband had met with a misfortune and broke his thigh; I dreſſed myſelf and went as faſt as I could in the trouble I was in; I went for no other errand, and when I returned I found my fore door broke open, my cheſts broke open, and all my wearing apparel and my huſband's gone; my cheſts were in the inner room.

Mention what was loſt?——The things mentioned in the indictment.

What was the value of all this together?——I cannot pretend to value them, they were worth a great deal more than twenty pounds, the things were none of them ever found.

Did you ever ſee the man that came and told you that idle tale about your huſband's breaking his thigh?——No, I went and took a warrant, and I ſearched Norris's houſe, and there was no property there: I folded all the things in the cheſt on the Sunday night, and they were all there as far as I can recollect.

THOMAS ALLEN *ſworn.*

I keep a cart and horſe, I live in the gardens where this affair was done, about eight o'clock on the 21ſt of December in the morning, I ſaw the priſoner William Johnſon come along with a bundle under his arm, I knew him before by ſight, I do not know his trade, I live about twenty yards from the proſecutor, there is only one way to Spring Gardens, Johnſon appeared to have been coming from Mr. Hennick's premiſes.

Was there any other houſe that he could be coming from beſides Hennick's?——There is no thoroughfare, he muſt come from Hennick's houſe.

What ſort of bundle was it?——A very large one under his left arm, and two hats on, one hat over the other.

What pace was he going?——As faſt as he could walk.

Was any perſon in company with him?—Not that I ſaw.

Did you hear afterwards that Hennick's houſe was broke open?—Yes.

How ſoon afterwards?——It might be two hours after.

Mr. Garrow, Priſoner's Council. Mr. Allen, theſe Spring Gardens that you are talking about, in which you ſay the priſoner was coming, do you mean to ſwear that there are no more houſes in it but Hennick's?——Not one on that ſide of the way.

Are there any more houſes in Spring Gardens from which a perſon could come in the direction you ſaw Johnſon?—There are other houſes, there might be ſuch a thing.

Then that which you ſwore juſt now, was not quite right, that there was no other houſes from which he might be coming?——There were houſes on that ſide of the way.

Now a little about the cart and horſe, you keep a jocky cart?——I ſell greens, and do neceſſary jobs.

That is juſt the thing I was enquiring after; you are what they call a running duſtman?——No.

What is the number of this ſame cart, Mr. Allen?——I have no number.

ELIZABETH ALLEN *ſworn.*

I am the wife of Thomas Allen; on the 21ſt of December laſt, I was ſitting at work at my window, a little after eight in the morning, I ſaw George Norris and Thomas Freeman come down paſt my window, towards Mr. Hennick's houſe, it is a lone houſe on the left-hand ſide; Norris had an empty bag in his hand, he might be gone about ten minutes the outſide, and returned from Mr. Hennick's houſe, and paſſed my gate; I ſaw them have ſomething in the bag, but what I could not tell, it appeared like foul linen, or ſheeting; they walked ſwiftly by, I ſent my little boy to ſee which way they went, and I told Mrs. Hennick when ſhe came home: I was at Juſtice Staples's when George Norris owned to the robbery; they owned that Freeman and Johnſon would have murdered Mrs. Hennick if ſhe had come then; it was not taken down in writing: he ſaid he would take

his

his oath to it, but the Juſtice did not give him his oath; and he ſaid they would have tied a handkerchief over her eyes, and thrown her upon the bed, and murdered her; he confeſſed every thing.

What did he confeſs?—He confeſſed that he did do the fact.

What fact?—Why robbing Mrs. Hennick.

What did Norris ſay of himſelf?——He charged the other two, he ſaid he was there, he ſaid he would not conſent to do it, for they could do it without.

Was Johnſon preſent?—No, Sir, I never ſaw him in my life.

Was Freeman preſent?—Yes.

Did Norris ſay this in Freeman's preſence?—Yes.

What did Freeman ſay?—Freeman ſaid nothing before the Juſtice, George Norris ſaid Freeman and Johnſon were the firſt that broke the houſe open.

Did he ſay who went in?——Johnſon broke the cheſt open, they did not charge any body with going in.

ANN THOMPSON *ſworn.*

I am a widow, I live in Spring-gardens; on the 21ſt of December laſt, I went into my own yard, I live but a very little way from the proſecutor's, they are private gardens, about two or three rood diſtance, there is no thoroughfare, Mr. Norris's vault and our's join together, that is the father of the priſoner; when I came to our vault, I heard ſomebody in their vault, and I heard ſomebody come out of their vault, and at the ſide of the vault I ſaw the ſaid Thomas Freeman, I did not know his name then, I know it now; I ſaw him go towards Norris's houſe, it was about eight, I cannot pretend to ſay to a few minutes, and immediately the priſoner Norris came out, and they kept whiſpering together, but what they ſaid I could not tell exactly, but as far as I could apprehend——

Mr. Garrow. If you did not hear, do not tell us what you apprehended?—As far as I could underſtand I will tell you.

Court. Tell your ſtory your own way.—He ſaid, are you going with us, or is ſomebody going with us, that is what Norris ſaid to Freeman, and the other ſaid, yes; I looked through the ſide of the road, the vault is next the road, I ſaw Norris peeping, as if he was looking after ſomebody, and I went away into my own place again, and juſt gave my maſter a baſon of tea on the ſhop-board as he was at work, and I ſaw Norris go by with a bag upon his back, full of ſomething, but what it was I cannot pretend to ſay; I immediately went into the ſtreet to a chandler's ſhop, and heard the houſe was robbed; I told Mrs. Hennick what I ſaw, I was at the Juſtice's, and was ſworn there.

Did you hear young Norris ſay any thing?——Yes, I did: when I came there he was in cuſtody, and he owned to the robbery.

What did he ſay?—He owned that this Freeman and Johnſon broke the houſe open.

Court. That is nothing at all.—Norris ſaid they broke this houſe open with a chiſſel, that they took the property of Mr. and Mrs. Hennick's, and ſold it to a perſon, ſomewhere by the Black Horſe, one door goes in by Saltpetre-bank, for two guineas and ſome ſilver; he ſaid ſo far as this, that they would give him ſome money to carry the things for them.

JOSEPH LEVY *ſworn.*

I am a barber, I live in Whitechapel, on Tueſday morning, three days before Chriſtmas, Mrs. Hennick came into the Angel and Crown tavern, and I went and took Freeman and Norris into cuſtody at the Riſing Sun, in Faſhion-ſtreet.

Did you tell them it would be better to confeſs?——I told them for what I apprehended them for; when I brought them to the Angel and Crown tavern, Norris ſaid he would tell the whole directly.

Mr. Garrow. You are the man they call the Barber?—Yes.

Your other name is Cockey Barber, is not it?—Yes.

I want to know your flash name in short?——Joe Barber.

You are one of the traps belonging to Mr. Staples's office?—No.

Oh, what you are discharged?——I discharged myself.

I ask you, whether Norris, when he entered into this converſation, was not drunk?—As drunk as I am now.

Was he drunk or ſober?——He was not drunk.

How much do you mean to ſwear he had drank?—I mean to ſwear he had not drank above a pint of beer.

No other liquors?—No.

What converſation had you had about his weight before you entered into this converſation?—What weight?

Had not you ſaid, that if he would not tell the whole ſtory, he and Freeman would weigh their weight, they would weigh eighty pounds?——No.

Had you intimated to him, that unleſs he told the whole ſtory, you would hang him?—No.

Court. What did he confeſs?—Coming up Brick-lane, he ſaid he wanted to ſpeak to me, I ſaid it was time enough at the Office, Norris then began to damn, and ſwear, and ſing: I had one on one ſide, and one on the other, by the collar, I brought them to the Angel and Crown and ſearched them, I found nothing on them, not a penny in money, that was about eleven; ſays Norris, I will tell you, ſays he, I am ſorry I did it, it was I, Freeman, and Johnſon, that committed the robbery, and he ſaid, I wiſh you would take Johnſon, I went ſeveral times after him, but did not take him; afterwards I asked Johnſon what he had done with the things, Norris called me aſide, and ſaid, why do not you ſearch him again, he has ſold the things for two guineas and ſome ſilver.

Mr. Garrow. Now, Maſter Levy, otherwiſe Joe the Barber, how long have you been engaged in this honourable buſineſs of thief-taking?—I cannot rightly tell.

Now gueſs a little, ever ſince you was convicted and pardoned, ha! Speak man; how long have you been a thief-taker?——Longer than you have been a Counſellor.

I know that, becauſe during the eight years I attended as ſtudent, I remember you?——Very likely; I do not attend any office now.

How long have you been out of place?—I do not chooſe to anſwer that.

How many trials did you appear upon laſt Seſſions?—Never a one, only one.

What, there was no blood money laſt Seſſions?——If there were no thieves, how would you get a brief?

Did not Norris come to that houſe you have ſpoken of in Faſhion-ſtreet, for the purpoſe of ſurrendering upon any charge that had been made againſt him, with reſpect to this place?—No, Sir.

Do you ſwear that?—I do.

What did he ſay going along?—He deſired to ſpeak to me and go to the Juſtice's.

Upon your oath, (God knows that is no great ſanction) was you ſworn with your hat on?—I was.

Now, Maſter Levy.——Well, Maſter Garrow.

Are you a Jew?——Yes.

How long is it ſince you ſaid at the Seſſions-houſe at Clerkenwell, that you was a Chriſtian?——Never.

Did you never affert at the Seſſions at Clerkenwell, that you was a Chriſtian, and not a Jew?——No, never, Sir, becauſe I never was chriſtened.

Will you ſwear that this man was not extremely drunk at the time he entered into this converſation?—I will ſwear he had not drank any liquor, I would not let him have any thing.

Had you ſaid any thing to him about his weight?—Nothing at all.

Perhaps you do not know that there is a reward for theſe men if they are convicted?—How ſhould I know.

What is the price of the blood of theſe men, if they are convicted?——I ſhall not tell you.

THOMAS FORRAST *ſworn.*

What are you?—I am a weaver by trade, on the 21ſt of laſt month, Mrs. Hennick came

me into the Rotation Office, and ſaid ſhe as robbed, I was preſent when Norris and reeman were apprehended; Levy took em both, they were kept ſeparate, one as kept in a box along ſide me; Norris d directly the robbery he was guilty of, ys he, I do want to be an evidence, I ſaid you want to be an evidence, you muſt go e Juſtice's.

Mr. Garrow. Your Lordſhip ſees this as extorted from him.

Court. It was not held out to him.

Mr. Garrow. This man ſays to the priner, if you want to be an evidence, you uſt ſwear before the Juſtice.

Court. Did you uſe any perſuaſions to inuce him?—No, none at all, they wanted oth to be evidence before the Juſtice; Norris made anſwer immediately———

Mr. Garrow. I beg pardon, when I conder this man knows as well the tendency every queſtion your Lordſhip puts, alſoſt as well as your Lordſhip: I remember ne caſe, in which the evidence was this, hat a perſon having been appriſed that ſuch one, Thomſon by name, had been guilty f a felony, accoſted him in the ſtreet, you uſt go along with me, and he added, it ill be better for you to tell the whole ſtory; his was a perſon not authoriſed to make ny promiſe, this man having no pretence o hold out mercy to him, ſays in the ſtreet, advise you to make a diſcovery, and the Court ſaid, that *that* ſhould not be received n evidence; now, here, ſee if this is not inſinitely ſtronger, the man in cuſtody of the officers of Juſtice, is told, if you wiſh to have any benefit by your declaration, make it before the Magiſtrate.

Court. No, no. You ſay Norris and Freeman both wanted to be admitted as evidence?—Yes; then Norris ſaid he had a prior right, becauſe he had ſaved Mrs. Hennick's life, becauſe he ſaid Johnſon and Freeman intended to put a handkerchief over Mrs. Hennick's face, and cut her throat, and he would not give his conſent to it.

Mr. Garrow. Was Joe the Barber preſent at this converſation?——Yes, he was. Was he drunk or ſober?——He had nothing at all to make him drunk, he had only a pint of beer, I would not let them drink together.

Did the barber take a drop of drink with him?——No, Sir, the barber, nor any body but themſelves.

What trade are you?—A weaver.

How long have you attended the Juſtice's Office?——Six or ſeven weeks.

Are you a conſtable?——I attend as I do, for a livelyhood, to get a ſhilling when a job comes in.

Oh, as a job of blood work comes in?—No, Sir.

Then you are in hopes of being the ſucceſſor of the barber?——No, Sir.

Have you done a ſtroke of weaver's work ſince you have attended that Office?—No, Sir, I have none to do, if I had any thing to do in an honeſt way, I would do it.

Court. When Norris ſaid he had a prior right, he did not mention for what?—They began to ſpeak ſo faſt, one againſt the other; they were committed for further examination.

JOSEPH COOLEY *ſworn.*

I belong to the Rotation Office in Whitechapel, I know nothing particular, I heard Norris ſay he had ſold the things to one Biddy Farren, there was a ſearch warrant, and Norris's houſe was ſearched, and no property found.

BENJAMIN NASH *ſworn.*

I am a headborough, Levy brought Norris and Freeman to the Rotation Office, I ſearched them both, I found nothing; about two hours after, he came and ſaid, ſtop Freeman, and in his pockets he found two guineas, it might be there when I ſearched.

Mr. Garrow. You had ſearched him; and had not found he had two guineas in his pocket?——No, Sir, it might be there.

When Levy put his hand in his pocket, he could produce two guineas?—Yes.

Out of a pocket in which the Juſtice and you could find nothing?—Yes, Levy took the money, but the Juſtice ordered it to be delivered into my hands.

How

How long has he been turned off?——About eighteen months, he muſt never come there no more.

Court. Gentlemen of the Jury, this conſtruction has been made on this Act of Parliament, which is to prevent houſes being broken in the day time, that if two or more perſons go on this buſineſs, and one ſtands without, though he takes a part in it, if he himſelf does not go into the houſe, he is not within the capital part of the charge, though he may be guilty of the felony; therefore, this differs from burglary: and another rule you muſt obſerve, that the confeſſion of one party does not affect another, unleſs he be preſent, and by his ſilence acquieſces in that confeſſion.

ALL FOUR NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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225. WILLIAM TEBAY was indicted for feloniouſly ſtealing, on the 28th of December laſt, three live pigs, price 10s. the property of James Lawrence.

JAMES LAWRENCE *ſworn.*

I live at Chelſea; I loſt three pigs on the 28th of December, I was at the ſtye between one and two, which was about a quarter of an hour before they were taken out of it; a neighbour's child came and told me, and I came out, and the woman ſaid, there goes the man, and I purſued after him, and getting pretty near him, I cried ſtop thief; I ſaw him brought back by one of the other witneſſes, the pigs were with the man when he was brought back, that was the priſoner.

Did you know the pigs?——No further than that they were all of one breed; I miſſed them out of my ſtye.

RICHARD DENBIGH *ſworn.*

I was going along Sloan's-ſquare, and Mr. Lawrence's man cried ſtop thief; I ran after him, and caught him; when I firſt ſaw him, he was about a quarter of a mile from the proſecutor's houſe, he was running away; when I came up to him in the field, I ſaw one pig laying by the ſide of him, it was not quite dead, and he had another in his pocket that was quite dead; he ſaid, damn your eyes, what do you want? and I ſaid, what do you think I want, I want you, and I told the boy to go and call his father, then we took the priſoner to the Coach and Horſes at Chelſea, there he pulled a pig out of his pocket, and laid it on a table.

WILLIAM RUMMING *ſworn.*

I was at work in the ſhop with my maſter, Mr. Newſon of Chelſea, I heard the cry of ſtop thief, and I looked out of the window, and ſaw the priſoner with a pig in his hand, and I run out as faſt as I could, and ſaw him taken, I firſt ſaw him by Mr. Lawrence's ſtye; one pig was alive; he was never out of my ſight, I ſaw him drop one pig.

EDWARD PRITCHARD *ſworn.*

I am the conſtable, I took charge of him.

PRISONER's DEFENCE.

I went down the yard, and a man called to me, and ſaid he would give me a ſhilling to carry theſe pigs to ſuch a place.

Court. Have you any body to your character?——Not that I know of.

GUILTY.

Publickly whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY 1785, and the following Days;
Being the SECOND SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,
PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

226. ELIZABETH MORRIS was indicted for feloniouſly ſtealing, on the 16th of December, one cloth great coat, value 7s. two coats, value 10s. two pair of velveret breeches, value 10s. two velveret waiſtcoats, value 10s. the property of Samuel Glover.

SAMUEL GLOVER *ſworn.*

On the 16th of December, about twelve o'clock, my wife and my two ſiſters were waſhing in the firſt floor, and my daughter was going into the cellar for a pail of water, and met this woman, and called me out of the ſhop, I went and found the priſoner, and in her apron were two ſuits of clothes, one mine, and one the boy's, I ſaw them taken from the priſoner, out of her apron, ſhe ſaid ſhe bought them of two travelling Jews.

HANNAH GLOVER *ſworn.*

I was getting a pail of water, and I met the priſoner coming down ſtairs, I aſked her who ſhe wanted, ſhe ſaid ſhe had been to one Mrs. Robinſon, a mantua-maker, and there was no ſuch perſon in the houſe; I ſaw a great coat lay atop of the things in her apron, I told her it was my father's great coat, and I inſiſted upon looking into her apron, and I found two ſuits of clothes, one was my father's, and the other the apprentice's.

JANE GLOVER *ſworn.*

I ſaw the woman directly at the bottom of the ſtairs, I ſaw the great coat firſt, and I ſaw the other things found afterwards.

(The things depoſed to.)

PRISONER's DEFENCE.

My Lord, I deal in buying and ſelling clothes, and I was going to call on a perſon, I happened to miſtake in the number, and went into the wrong houſe, and this woman came and inſiſted to know what I had in my apron, I ſaid they were clothes which I had bought; I never had been up the ſtairs; I bought the clothes in Monmouth-ſtreet. Her father ſaid he would hang me, if there was no more women in the world; my witneſſes, Mr. and Mrs. M'Carty, that ſaw me buy them, were here at three o'clock.

GUILTY.

Privately whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

227. JOHN

227. JOHN JOHNSON was indicted for ſtealing, on the 7th of December laſt, nine ſilk handkerchiefs, value 32s. the property of Iſaac Trivoquet.

WILLIAM ARNOTT *ſworn.*

I was in the parlour behind the proſecutor's ſhop, I heard the cry of ſtop thief, I ran out, and about twenty yards from the ſhop door, there were ſeveral people round the priſoner, and I picked up three handkerchiefs at his feet; he was taken into cuſtody directly.

WILLIAM WATKINS *ſworn.*

I was in the ſhop at the time, the priſoner and another came in to aſk for ſome handkerchiefs, we had not the handkerchiefs he wanted; he then opened the door, and called a perſon; I ſaid I would call any body; the priſoner got between me and the door, and he ſnatched off the handkerchiefs, and took them away, I ſaw him do it, and we picked up the handkerchiefs, and took the priſoner before a Juſtice of Peace.

Another WITNESS *ſworn.*

I was in the ſhop, the priſoner aſked for ſome handkerchiefs, we had none he wanted, he opened the door and came in again, and ſnatched the handkerchiefs and carried them off; this young man followed him, and I followed him and caught hold of his coat; I picked up ſix of the handkerchiefs at his feet.

(The handkerchiefs produced and depoſed to.)

PRISONER's DEFENCE.

I was ſtanding at the door, and this gentleman came and hauled me into the ſhop; I know nothing of them.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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228. JACOB BELLETT was indicted for feloniouſly ſtealing on the 25th of December laſt fifty one ells of half-ell manufactured lining, value 3l. 8s. two pounds of unwound black ſilk, value 20s. thirty-two ounces of double black ſilk wound, value 3l. 12s. the property of John Gearing, John Vaux, and Thomas John Taylor.

JOHN VAUX *ſworn.*

I only prove the property, my partners names are John Gearing, and Thomas John Taylor.

WILLIAM COLE *ſworn.*

On the 25th of December, which was Chriſtmas-day, between three and four in the afternoon, we had fifty-one ells of work cut out of the loom, two pounds of unwound ſilk, and thirty two ounces of double ſilk, it was ſilk lining, I worked for Meſſrs. Gearing, Vaux, and Taylor; about four I was informed my ſhop window was open, I went up to ſee and took the key of the ſtair foot door, that goes up to my work ſhop, and found all my work was taken away, the ſtair foot door was locked as I left it; I ſaid, the priſoner was the perſon that robbed me, I went to the priſoner's houſe and aſked for him, nobody was at home but the ſiſter and a girl; I found the priſoner in Balls-alley, with a girl that he kept company with, I heard a ſcuffle withinſide the houſe, I heard them ſhove up the window, and they kept me at the door for a minute or a minute and half, then the door was opened; he threatened to puniſh me, he followed me home, but upon my mentioning to ſearch the loft the priſoner ran away directly; in ſearching the lofts we run over four houſes, I found no property there, but I found one trap door open that went into the priſoner's houſe, and I dropped down upon the priſoner's bed, which was under that trap door; I there made a ſtrict ſearch, and his brother in law came down, and I looked behind an old pair of drawers, there was a net and this bag, and a ſhoot, and the unwrought ſilk, I pulls up the end a little more, ſays I, thank God here is my piece; the Juſtice ordered me to ſubpœnea this brother-in-law, but he is got out of the way, I carried the

the ſubpœnea, I went to ſearch for the priſoner and found him at one Helder's, which was about two hours after he run away, I found him concealed in a cloſet, I aſked him how he came to do ſuch a wicked thing; he ſaid, for God's ſake have mercy upon me, you have your property let me go; ſays I, I cannot, it is my maſter's property, I brought him to the Crown ale-houſe, and ſent for an officer and gave charge of him, and in my hearing he confeſſed he did it himſelf and nobody elſe; I made him no promiſe, he was going to tell us of one Jones, the father and ſon who were waiting for him, at the corner of Cox's-ſquare, in Petticoat-lane, a man that buys ſtolen ſilk, little or much; I have never enquired after him, Mr. Wilmot ſaid we could do nothing to him, without he had bought any thing, he uſes a publick houſe the corner of that ſquare.

JOHN GRAY *ſworn.*

On the 25th of December, I was ſent for by this young man and the priſoner, I ſaid to the priſoner, was there any body along with you?——And he ſaid, no, there was not, he was ſadly diſtreſſed, and did it through neceſſity.

Where does Jones live?——I cannot tell, only he ſaid he uſed a public houſe, the corner of Cox's-ſquare.

Do not you know where that Jones lives?——No, upon my oath I do not, I never heard of any ſuch name before.

Where do you live?——In Shoreditch.

(The wound ſilk depoſed to.)

Cole. I can ſwear they are them that were taken out of my looms, I can ſhew you, I have in my pocket a pattern of the quill that we head them with.

PRISONER's DEFENCE.

The man came and charged me, and ſwore he would hang me, I told him I would puniſh him, I went to ſee his work, and his wife collared me? ſays I, what do you collar me for, I have money of my own; I went to Mr. Helder's and this man came up, there was no ſtring to latch the door, and the woman bid me get a plank out of the cloſet, and he came and ſwore I was ſhut up there; I am innocent.

The Priſoner called five more witneſſes who all gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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229. JOHN EVANS was indicted for ſtealing on the 5th of January, two woollen blankets, value 22d. ſeven yards of linen cloth, value 8s. one pair of child's ſtays, value 12d. one child's ſhift, value 1d. one cloth great coat, value 12d. and one linen coverlid, value 2d. the property of William Selby.

ANN SELBY *ſworn.*

On the 5th of this month, I went out and locked my door, and faſtened my window; I left the key where my child was three doors off, I left nobody at home, I returned in half an hour, and my place was ſtripped of the things mentioned in the indictment, the priſoner was taken up before I returned.

WILLIAM MEAD *ſworn.*

About five minutes before ſix in the evening, me and my fellow ſervant went by, as I came back one of the ſhutters was open, and I looked in, and this man was hiding under the window, and the blankets and things by him, I ſaw him when he was ſtooped down, I went and ſecured him, and another man came to aſſiſt me; he had two blankets, a coverlid, and an old great coat under his noſe, I found nothing about him.

Priſoner. I had nothing about me.

JOHN WILKINSON *ſworn.*

I was ſent for to take the man in cuſtody, I can tell you no more, he was inſide the houſe when I came, ſtanding by the things; there was an old coverlid, a pair of blankets, and

and one old great coat; nothing else was found at all.

(*The things depoſed to.*)

PRISONER's DEFENCE.

I was going along, and I thought one Mrs. Clark lived there, ſhe did live there about a twelvemonth ago, and ſhe uſed to leave the window for me to go in, if ſhe was not at home, ſo I went in, and I was coming out again and the man ſtopped me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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230. GEORGE RAYMOND, was indicted for feloniouſly ſtealing on the 9th of October laſt, ſeventy-two yards of bed ticking, value 6l. the property of Thomas Ayres, in his dwelling houſe.

THOMAS AYRES *ſworn.*

I only prove the property.

BETTY HALFPENNY *ſworn.*

I live with the proſecutor, I was coming down ſtairs, and I ſaw a man ſtand on the right hand window on the outſide of the houſe, on the 9th of October, about two in the afternoon; I ſaw he was a ſtrange man, and I ſaw him cut the cord, and put the piece of ticking on his ſhoulder; it is an open ſhop window, he took the tick on his ſhoulder, and I run after him, and cried ſtop thief! and he run into Winſley-ſtreet, and there he dropped it, I ſaw him drop it, and he was ſtopped by Mr. Blackſtock who is here; he was never out of my ſight from the time he put the tick on his ſhoulders till he was taken, I am ſure of that; the tick was taken to the Juſtices and marked.

WILLIAM BLACKSTOCK *ſworn.*

I firſt ſaw the priſoner in Winſley-ſtreet, I heard the cry of ſtop thief! and ſeveral people running after him, he was coming up towards me, and I was going to ſecure him, and he doubled his fiſt at me, and ſaid, damn you, ſtop me if you dare; I immediately knocked him down, and kept him till the people came up; he had nothing in his poſſeſſion when I ſtopped him.

Proſecutor. The tick has been in my poſſeſſion, it was given to me at the office, I am ſure it is the ſame piece, it is marked.

Court. Where was it?——It was ſtanding in the window, on the outſide upon a bench, the glaſs is out of the window, and we cord them together carpets and tick.

How far does the board of the window project from the houſe?——About fifteen inches beyond the upright of the window.

Whereabout did this tick ſtand?——It ſtands upon the bench, and would be inſide if the glaſs was in, but the glaſs is out.

What is the value of the piece of tick?——Six pounds.

Is that the felling price?——The ſelling price is more than that.

PRISONER's DEFENCE.

I was going up Oxford-road that morning with oyſters, and coming back again, I ſtopped at the public houſe next to the proſecutor's ſhop, and there was a well dreſſed young man ſtood there, and aſked me if I was buſy, and he aſked me to carry a parcel for him, and I told him I would, he went out and came back again, and called for a quartern of gin; ſays he, you may come now with me, and you may carry it, and he made believe as if he was going into the ſhop; ſays he, ſtop there, I can give it you on the outſide, my maſter is not at home, and I am only foreman; I ſhall have a noiſe from my maſter, for I ſhould have carried it before; at that time there came in two ladies, one in a riding habit, at the outſide there ſtood a large chair, and he moved that, and whether he cut it or whether he untied it, I do not know, but he gave it me; now ſays he, you take this, and go and ſtop at the corner of Caſtle-ſtreet, and I will take it from you; I have been very bad ſince I came to priſon, and my mother came to ſee me,

and ſhe caught the diſtemper and died; my wife is bad at home now, I have nobody to ſend for any perſon.

GUILTY.

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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231. ANN READ was indicted for feloniouſly aſſaulting Sarah wife of William Giles, on the King's highway, on the 22d of December laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one red cloth cloak, value 10s. the property of the ſaid William.

SARAH GILES *ſworn.*

I am a married woman.

What is your huſband's name?——William Giles.

What is he?——A gardner, I never ſaw the priſoner before to the beſt of my knowledge; I met her and another woman going into Short's-gardens, I was going to my ſiſter's, who lives at the top of Short's-gardens, near Drury-lane; it was on Thurſday evening, three weeks laſt night, it was rather better than half after nine; and I was going through the gateway, and this woman and another overtook me, and they aſked me where I was going; I thought it was no buſineſs to them, as I was a country woman, I came from Wiltſhire, we have been in London three quarters of a year, and lived ſince at Bow; I ſaid it was no difference to *they* where I was going, they ſaid it was; I ſaid if they muſt know, I was going to my family; they ſaid I ſhould go with them, I ſaid I would not, they ſaid damn your eyes you bitch you ſhall, or elſe I will kill you; I ſaid I would not, ſo they turned me to come back again, I wreſtled with them, and one of them knocked me down, I cannot tell which it was, but the priſoner took the cloak off my back, whilſt I lay on the ground, and I cried murder; I had two gold rings on my fingers, and they tried to take off them, but they could not; this gentleman Joſeph Simpſon, he run to my aſſiſtance, and he run to take the priſoner, and he took her within ten yards with my cloak upon her arm; ſhe ſaid, Mr. Joſeph, I beg you will not hurt me, he ſaid he would not hurt her, but he would have her to the round houſe; and he and I had her to the round houſe, and I ſlept there all night.

JOSEPH SIMPSON *ſworn.*

I am a watchman in the pariſh of St. Giles's in the fields, on the 22d of December, between nine and ten, I went to the watch-houſe to get my lanthorn, coming back I ſaw Mrs. Giles and the priſoner and another woman coming through Short's-gardens, they had hold of each other; I did not know the priſoner before, but ſhe ſeemed to know me, they ſeemed to be forcing the woman along, but they made uſe of ſoft words as I paſſed them, perſuading her to go home to her family; I paſſed them about twenty yards, and I turned round to look back, and I heard the woman call murder! I ran directly, and I ſaw the woman lay on the ground, and the priſoner running away; I run after the priſoner and the other woman, and the priſoner in turning the corner of Short's-gardens fell down, and I laid hold of her directly, and I told her ſhe ſhould go to the round houſe, I found this cloak upon her, ſhe reſiſted at firſt, and would not get up off the ground, afterwards ſhe ſaid ſhe would ſee the woman home, ſhe ſaid ſhe was going to ſee the woman home to Newtoner's-lane; I aſked Mrs. Giles if ſhe lived in Newtoner's-lane, ſhe ſaid no, I then ſaid, you ſhall go to the round houſe, and ſhe ſaid, Mr. Joſeph do not hurt me, and I ſwore ſhe ſhould go to the round houſe.

(The cloak produced and depoſed to.)

Priſoner. Are you ſure I am the girl that was along with the other?——I am ſure ſhe is the perſon I took the cloak from.

JOHN

JOHN YOUNG *ſworn.*

I am round houſe keeper of St. Giles's, I only know the people brought this charge to me, and told me the ſame ſtory.

PRISONER's DEFENCE.

I follow the market, I had been out with ſome fiſh, and ſaw a mob under the gateway, and two women were running along and they ſhoved me down, and the watchman came and took hold of me, I ſaid to the watchman, I know this woman and her brother.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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232. WILLIAM SUGNALL, otherwiſe STRUGNELL, was indicted for feloniouſly ſtealing, on the 1ſt day of January, fifty pounds weight of pewter, value 30s. the property of Joſeph Spackman and James Spackman.

Richard Shakeſhaft and *James Armſtrong* took the priſoner in Arrow-alley, near Petticoat-lane, with two pieces of metal under his coat, which were his maſter's property.

(The pewter depoſed to.)

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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233. GEORGE SUFFERING was indicted for feloniouſly ſtealing, on the 5th of January laſt, one tan crop leather hide, value 20s. the property of Edward Beale.

The parties not appearing, the priſoner was

ACQUITTED.

Tried by the London Jury before Mr. RECORDER.

234. EDWARD BUNDY was indicted for feloniouſly ſtealing, on the 7th of January, fifty-ſix pounds weight of molaſſes, value 10s. and one flint glaſs bottle, covered with wicker, value 5s. the property of John Pullett, James Silverſide, and William Metcalf.

It appearing that Mr. Metcalf's name was Charles, and not William, the priſoner was

ACQUITTED.

Tried by the London Jury before Mr. RECORDER.

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235. SARAH GRIFFITHS was indicted for feloniouſly ſtealing, on the 12th of December laſt, one ſilver watch, value 30s. the property of Henry Pond.

And BENJAMIN PALMER was indicted for feloniouſly receiving the ſame, knowing it to have been ſtolen.

The parties not appearing, their recognizances were eſtreated, and the priſoners were

ACQUITTED.

Tried by the ſecond Middleſex Jury before the Lord Chief Baron.

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236. NESBY WALKER was indicted for feloniouſly ſtealing, on the 29th of December laſt, two oxen, price 20l. the property of Edward Adams.

There being no evidence to affect the priſoner, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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267. JOHN WATKINS was indicted for feloniouſly ſtealing, on the 27th of December

cember last, forty pounds weight of Cheshire cheese, value 20s. the property of Charles Carr.

GUILTY.

Whipped.

Tried by the second Middlesex Jury before the Lord Chief Baron.

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238. JANE THACKER, otherwise SCHOOLEY, was indicted for feloniously stealing, on the 24th of December last, ten yards of black thread lace, value 25s. the property of Elizabeth Dennis and Dorothy Hurrell.

This was a child of nine years old, against whom there was no evidence.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

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239. GEORGE THORPE was indicted for feloniously stealing, on the 24th of December last, one side of bacon, value 10s. the property of Stephen Hibberd.

The witnesses examined apart at the request of the prisoner.

STEPHEN HIBBERD *sworn.*

I am a cheesemonger in the Fleet-market; I met the prisoner coming out of my warehouse, when I went to see whether it was fast, with a side of bacon, which he threw at me; it was mine: and from his pocket he threw a lanthorn. I left my warehouse safe and locked an hour before; the lock appeared to be picked.

GEORGE CARR *sworn.*

Confirmed the above, and said, he took the prisoner.

Prisoner. I know nothing of it.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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240. JOHN THOMPSON was indicted for feloniously stealing, on the 14th of December last, two bars of iron, called rush iron, weight one hundred and seven pounds, value 14s. the property of Richard Crawsley, Richard Davenport, William Crawsley, and William Thompson.

The prisoner was taken with the iron upon him, which was deposed to.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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251 WILLIAM WILD was indicted for feloniously stealing, on the 8th of January, one bar of iron, weight fifty-eight pounds, value 8s. the property of Richard Crawsley, Richard Davenport, William Crawsley, and William Thompson.

The prisoner was taken as the last.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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242. RICHARD SUTTON was indicted for feloniously stealing, on the 24th of December last, ten printed cotton shawls, value 1l. the property of Thomas Leach.

THOMAS

THOMAS LEACH *sworn.*

I am a haberdasher and hoser, No. 87, Tower-hill; on Friday the 24th of December, about a quarter past eight in the evening, I was in a little back room close to my shop, the candles were all lighted, and hearing a pane of glass break, I ran out, and heard the cry of stop thief; I saw a person running, and I saw him run into Rosemary-lane, and he was knocked down.

WILLIAM STEELE *sworn.*

On Christmas eve at night, about a quarter past eight, I was coming over *big* Tower Hill, and I saw the prisoner standing on the pavement, almost facing the prosecutor's door, and hearing a pane of glass break, I saw the prisoner with something in his hand, which came from out of the window which he had broken; I cried out stop thief, and he *bove* them down and ran away; I picked them up, and ran after him; he was never out of my sight, I am sure he is the man.

(The shawls produced and deposed to.)

PRISONER's DEFENCE.

I know nothing of it.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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243. JOHN KITE was indicted for feloniously stealing, on the 14th of December last, one linen handkerchief, value 1s. the property of John Rutherford.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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244. JAMES SMITH was indicted for feloniously stealing, on the 7th of January, nine yards of hempen rope, value 8s. one boat hook, value 12d. the property of Felix Calvert, Robert Ladbrooke, and William Whitmore.

GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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245. EDWARD WELLS was indicted feloniously stealing, on the 17th of December last, four wooden wheels, called phaeton wheels, value 20s. the property of Joseph Crook.

There being no evidence against the prisoner, he was

ACQUITTED.

Tried by the second Middlesex Jury before Mr. RECORDER.

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246. RICHARD ISLEY was indicted for feloniously stealing, on the 12th of November last, in the parish of West Drayton, five hundred pounds weight of lead, value 3l. belonging to Robert Burt, clerk, then being fixed to a certain building, called a church, belonging to the said parish of West Drayton.

A Second Count, laying it to be the property of Matthew Batt and William Aldwin, the church-wardens of the said parish.

MATTHEW BATT *sworn.*

I know nothing of the matter, only I am church-warden, I was bound over to prosecute.

Who is the parson of your parish?—The Rev. Mr. Robert Burt.

What is he curate, or vicar, or rector?—He keeps a curate, it is a vicarage.

Who repairs the church?—The church-wardens.

RICHARD DIKE *sworn.*

I am clerk of the parish, on Sunday the 14th of November, I perceived part of the porch was stripped of two sheets of lead; I came down and acquainted the church-warden, and about the Wednesday or Thursday afterwards, we heard a man was taken with lead, I went and saw the lead that was taken, it was cut to pieces, it was at the sign of the Squirrel, in Wingfield Plain, eleven miles from our place.

How did you know it was the lead belonging to the church?——It was the same I have seen I suppose hundreds of times, and I have a piece which I found under the porch, and another piece where it was fastened to, that fits; I have swore to it.

Yes, but we must know why?—Because from the nature of the lead, and it fits so exactly the fastenings, these are what I found in Wingfield Plain; these two ends, one I picked up under the porch, and the other I took from the top of the porch, and they fit the nail holes of the lead which I found on Wingfield Plain.

(The lead handed to the Court.)

Court. It appears to me not to fit.

JOHN CHAPMAN *sworn.*

One Sunday, I got up on the church porch, waiting till the clerk came, and I made this mark, here is my name and the date of the year upon it, "I. C. 1778," this piece was on the church porch when I marked it.

Court. When was the church repaired last?——Not many years.

Dike. There are marks on this lead above a hundred years ago, it is repaired at the expence of the parish.

Court. You found this at a public house?—Yes, it was in sacks; we took them out of the sacks, and I fitted a great many, and them two ends fitted; and I remembered some young fellow had made a mark on the lead some time before, and I came home on the Friday night, and the next day I took John Chapman to the place.

WILLIAM STRIKE *sworn.*

On Sunday morning the 13th of November, to the best of my knowledge, I was told by a neighbour that there was two men going down a *lane*, called North-street, I pursued for near two miles, I stopped the prisoner, but the other made his escape; I stopped the horse and cart.

What was in the cart?——I did not examine, I pursued the other man, and left the prisoner with the horse and cart in charge of the people that came to me, and they brought him with the horse and cart, and I went to the Squirrel afterwards, and I saw the man with the horse and cart; I did not see the contents taken out of the cart.

HENRY COCK *sworn.*

On Saturday morning, the 13th of November, I went with this cart with three sacks, I felt the outside, and it felt like lead, a hatchet, a great coat, and a cloth, which was used for a tilt to the cart.

JOHN MILTON *sworn.*

I saw this cart and the sacks, I saw them opened, and took an inventory of them, there was lead about six hundred pounds weight; it was put into a constable's care, and locked in a room; he is obliged to be an evidence at Reading, and is not here; I had always the care of it, and the key of it, jointly with the constable, it was kept locked up till the parish officers saw it; it is the lead that was in the cart; it was the same that was taken out of the sacks.

Court to Strike. What time of the day did you stop the prisoner with this lead?——About eight o'clock.

Prisoner. When Mr. Chapman came to swear to his name, he denied it, and said he would not swear to it at first.

Chapman. I said they were such marks as I remembered making.

Did you remember these marks when you first saw the lead?——I supposed them to be the marks at the time, I do not swear to them now, I speak the truth to the best of my knowledge; I have no doubt about it; I said

ſaid I did not know, but it might be poſſible for any other mark to be made, I remember perfectly making the marks.

PRISONER's DEFENCE.

That man, when he was firſt examined, denied the thing, only being perſuaded he ſwore to it; I live at Uxbridge, I keep a horſe and cart, and let it out at different times; two men came and aſked me for a horſe and cart, my horſe was out at work, and I borrowed a horſe; I was to meet the man at Oakingham, going along I was detained by a gentleman that is here in Court, on ſome ſuſpicion; the other made his eſcape.

When was it loaded in your cart?—I do not know; I met a couple of men, who ſtopped the horſe and cart, they ſaid they ſhould not go after the gentleman, they had got me and that was ſufficient; I told them where I lived.

Court to Strike. When you firſt ſtopped this man, what did he ſay?——He ſaid his name was upon the cart, and pointed to it; it was wrote in the form of a heart, all ſingle letters; indeed the Magiſtrate when he ſaw it ſaid the devil could not read it; he pointed to it, ſays he, there is Richard Ilſley, when I was ſhewed how to read it, I could read it; he told me his name was Richard Ilſley, he ſaid there it is, it is eaſy enough to read.

Did he tell you what was in the cart?—No, nor I did not aſk him; I perceived the other man going on, and I left him in care of the people, and purſued the other.

Did this man attempt to eſcape at all?—No, I left him with this Cock that has been examined.

Court to Cock. When this man was left with you, what did he ſay?——I aſked him what trade he was and what he followed, he told me that he went about the country, and bought and ſold lead, and got his living by that; I ſaid to him, where did you buy this lead, or where are you going to ſell it; and he ſaid he was going to ſell it at Oakingham; I aſked him who the other man was; he ſaid the other man was nothing to him, then ſoon after he ſaid, the man was to him, and he was not to him.

Priſoner. How can you have the face to ſay that? I ſaid I was going to ſell the lead; you never aſked me; Mr. Strike and Mr. Milton behaved like gentlemen, I reſolved them every queſtion.

Court to Milton. What did he ſay to you?——I was not much in his company.

Priſoner. I am a countryman, I have nobody here but a wife and two poor children, that came to me in the priſon.

Court to Strike. Did you ever go after any of the others?——He was admitted by the Magiſtrate as evidence, and he told us of ſix or ſeven, the two men that cut the lead off the church, he told their names.

GUILTY.

Sentence reſpited till next Seſſions.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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247. PETER HOSIER was indicted for feloniouſly ſtealing, on the 5th day of January, twenty pounds weight of iron nails, value 2s. the property of Thomas Jackſon, Eſquire, and others.

And EDMUND HINDE was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

WILLIAM DICKENSON *ſworn.*

I am one of the partners of the ſhip Hope, from Greenland.

ROBERT BATSON *ſworn.*

I perceived the priſoner, Hoſier, frequently went out of my premiſes loaded with iron, I am a ſhip-builder, ſhe is repairing upon my premiſes, and I ſaw the priſoner, Hoſier, coming out of the ſhip Hope, on the 5th of January, loaded; I called one of my foremen to take notice of it; we found a conſiderable quantity of nails, packed up in a compact manner for ſtowage, I immediately ſent

ſent for the officers, I asked the priſoner where he generally ſold theſe nails, and he told me———

Mr. Silveſter, Council for Priſoner Hinde. Do not mention any perſon's name?——I came here to do my country juſtice, not out of rancour; our neighbourhood abounds with theſe people, and I know, that from four yards, we loſe at leaſt five thouſand a year, from Blackwall yard and three more in our neighbourhood; I recommended the boy all I could to let me know who it was that bought the things of them, and when the officers came, I told them to be aware that I did not give them charge of the priſoner, for the boy before they came had confeſſed where he ſold the goods from time to time; when the officers came, I thought it was better to put a private mark on the property, and permit him to purſue the ſame channel to ſell them as before; they were not my property; he was followed by two people to the ſhop, that is all I can ſwear to, to my own knowledge; I attended at the Magiſtrate's, and we had a ſearch-warrant in conſequence of my oath, I preſume I may ſay, and they brought ſome of the property back to me that was marked, and a conſiderable quantity of nails. I do not mean to ſay a ſingle word to aggravate, but we really are ſo over-run. I one night could have taken two thieves, but I could not get a man to help me. I took the property.

Court. I am ſorry for it, but I am afraid it will not do. You certainly acted very commendably in what you did: it is certainly a very bad thing there ſhould be ſo many people guilty of this practice of receiving ſtolen goods, but it can only be put a ſtop to by legal means; and I am afraid, in point of law, the receiver, who is the only perſon that is principally wanted to be come at in this caſe, cannot be come at. As to the boy, there is evidence enough, but I only mean to diſpoſe of the receiver: now this man muſt have been a receiver of ſtolen goods, knowing them to have been ſtolen, and I am afraid, in point of law, the theft in this caſe is purged, by the goods once coming into the hands of the right owner; the gentleman receives the goods, and he gives them to him back again; by that act of the owner he purged the felony, and the boy was ſent for the purpoſe of ſelling them to this man; therefore, I am afraid in point of law it will not be ſufficient with reſpect to the receiver: and I think, after what has happened, that they made uſe of the boy as an implement to bring the other man to juſtice, and he having acted faithfully, it would be too much to convict him.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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248. JOHN HART was indicted for feloniouſly ſtealing on the 8th day of January, one linen cloth, value 1d. one rush baſket, value 2d. ſixteen pounds weight of mutton, value 6s. three pounds weight of cheeſe, value 15d. and four pounds weight of butter, value 2s. four ounces of tea, value 15d. two pounds of moiſt ſugar, value 10d. and one pound of loaf ſugar, value 8d. the property of John Collinſon.

ELIZABETH COLLINSON *ſworn.*

On Saturday night laſt, I loſt the things mentioned in the indictment, altogether to the value of twelve ſhillings; I live at Stratford, I delivered my parcel to the coachman in Whitechapel to take to Stratford, about three in the afternoon, and in about five minutes after, I was informed my baſket was taken out of the boot of the coach; I purſued after the perſon, and the coachman brought back the priſoner and the parcel, and he was committed; it was my parcel which the coachman took from the priſoner, the Juſtice gave me leave to make uſe of the goods, but bid me keep the baſket and the apron.

THOMAS MELLER *ſworn.*

I am the coachman, the priſoner took the

the baſket out of the boot of my coach; I ſtood on the other ſide, I never took my eyes off him, till I took him with the baſket in his right hand, he dropped the baſket when I took hold of him, it was full then and very heavy.

(The baſket and cloth depoſed to.)

Priſoner. I had the baſket in my hand, but I did not take it out of the coach; I was coming along, I am a diſcharged ſerjeant, I follow porterage: and I ſtopped juſt by Gulſton-ſquare, and a man came up to me, and ſays he, will you carry a load for me; I ſtopped for a moment, and he came running with a baſket, and ſaid, walk along with me ſmartly; and they came and took me, ſays I, there is the man that gave it to me, and I pointed to the man.

Coachman. I ſaw him take it out of the boot.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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249. JOSEPH JEFFS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Peter Bond and Stephen Smith, about the hour of ſix in the night, on the 1ſt day of January, and burglariouſly ſtealing therein ſix yards of flowered cotton velveret, value 18s. their property.

PETER BOND *ſworn.*

I live in St. Martin's-le-grand, I am partner with Stephen Smith, my houſe was broke open on Saturday evening the 1ſt of January, between five and ſix, it was dark, I was ſitting in the back parlour adjoining to the ſhop; I heard the window break, and run immediately out of the parlour into the ſhop, and ſaw the goods going out of the window, I run from thence to the door.

Was that pane whole before?——Yes.

Was the ſhop door faſt?——No, it was on the latch, when I run to the door, I found it tied with a ſtring or cord, I gave a ſharp twitch and broke it, and run out and down the corner, I did not perceive any body there directly; I returned immediately to take the goods out of the window, and in a very ſhort time, the perſon that ſtands at the bar was brought in with the goods.

THOMAS DOWLEY *ſworn.*

I was in St. Martin's-le-grand, exactly oppoſite this gentleman's ſhop, and I heard a window break, and I run directly acroſs the way, and the priſoner had got a piece of velveret out of the window, he went up a narrow lane that is juſt by, called New-rents, I run after him, and finding me purſuing him, he threw the piece down, I immediately picked up a piece of ſtuff, and he turned ſhort again, and I caught him with the other hand, and took him into Mr. Bond's ſhop, with the velveret.

(The velveret produced and depoſed to.)

PRISONER's DEFENCE.

I was coming by, and this gentleman laid hold of me, I knew no more of the affair than the child unborn.

Court to Proſecutor. What is the value of the velveret?——Eighteen ſhillings.

Jury to Dowley. Was he ever out of your ſight?——No.

The priſoner called one witneſs who gave him a very good character.

GUILTY. Death.

He was humbly recommended to mercy by the proſecutor.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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250. SAMUEL DAVIS was indicted for feloniouſly aſſaulting Robert Lowth,

Eſquire, on the King's highway, on the 14th day of December laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one watch with a gold enamelled caſe, and the outſide caſe made of baſe metal, value 10l. two cornelian ſeals ſet in gold, value 40s. one key value 1d. and one gold hook, value 4s. his property.

ROBERT LOWTH, Eſq; *ſworn.*

On the 14th of December, I was coming out of the play-houſe, going into the coach, I was ſurrounded by ſeveral men, and one of them took my watch, they joſtled me, they applied their elbows to my ribs; I purſued the priſoner to Covent Garden, and there I caught hold of him by the collar, and endeavouring to ſtrike him, I was kicked up by one of his comrades, who followed me out; at the theatre door I met Thomas Chiſwick, the centinel of the guard; I felt the watch go from me very forcibly, I never ſaw the priſoner's face.

Mr. James, Priſoner's Council. This was juſt when the play was over, Sir?—About half an hour after the play.

There were ſeveral perſons run?—Yes.

Could you obſerve whether there were not ſeveral perſons there before you came to the ſpot?——I was intercepted by thoſe men, there was no mob at all.

Were there not ſeveral perſons on that ſpot before that time?——There was no croud I am poſitive.

But there were ſeveral perſons?——Not ſo much as to hinder my going along.

But there were ſeveral people?—There might, but I did not obſerve.

Did you obſerve at what place the centinal was poſted?——I did not.

Did you obſerve there was a centinel?—I did, I went cloſe by him when I came out, but at the time I loſt my watch, I do not know where he was.

Did you ſee the watch go when it went from you?——No.

You ſaid juſt now, you was kicked by ſomebody who was his comrade?——They were the ſame people that ſurrounded me, they followed me out.

Court. Was the perſon that kicked you in company with the priſoner?—The men that came round me at the time, were the ſame men that followed me out, they were behind me all the way to Covent Garden; I ſuppoſe them to be the ſame from hearing them behind me, for no other reaſon.

THOMAS CHISWICK *ſworn.*

I was a centinel at the theatre on this night, I obſerved the priſoner and three more men, ſtanding on the outſide of the play-houſe door as the proſecutor came out, and two of the men got before the gentleman, and the priſoner and another man behind, *and I ſaw the priſoner Davis puſh in upon the gentleman*; I immediately after heard the gentleman hallo ſtop thief! I ſaw no more of the priſoner afterwards, I know no more than that.

Mr. James. I believe this is not the firſt time of your appearance in this Court?—I never appeared in this Court, or in any other Court in my life.

Why, was you never tried in this Court?——I never was tried in any Court for felony, nor never indicted in any Court in London, England, or abroad.

Sarah Crump called, and not appearing, her recognizance was ordered to be eſtreated.

JOHN SHERRAD *ſworn.*

Upon the 14th of December, the proſecutor gave information of his being robbed, I apprehended the priſoner along with Macmanus, and Morant, we went to his lodgings, and upon him we found ſome duplicates of a coat and hat.

Mr. James. I ſubmit to your Lordſhip there is no evidence againſt the priſoner.

Court. Why ſo.

Mr. James. Then I ſubmit there is no evidence to ſupport this indictment, this is an indictment for a highway robbery, and it is of the eſſence of that crime, that it muſt be done forcibly and violently, either an actual violent aſſault and taking of the property

roperty, or else an open plain direct taking of the property; had this been an indictment for ſtealing privately from the perſon, it might have been relevant, but here is no proof of force, nor of open direct taking the property; but that there was an accident in a croud, where it was natural there ſhould be a paſſing.

Court. The queſtion is for the Jury to conſider, with what view he made that puſh at him, which Chiſwick ſwears to.

Priſoner. I am quite innocent.

The Jury retired for ſometime and returned with a verdict.

GUILTY Death.

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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251. SIMON SLOPER and MARGARET SLOPER were indicted for feloniouſly ſtealing, on the 14th day of December laſt, one pair of leather boots, value 20s. the property of Robert Mairis and Nathaniel Phillips.

EDWARD WEBB *ſworn.*

I live in Hewit's-court, near St. Martin's-court, I keep a public houſe; the priſoners came in on Wedneſday, and called for ſome purl, and they had a pair of ſhoes and boots which they wiſhed to ſell, he called me by my name, knowing I was a ſhoemaker; the priſoner was offering them for ſale, and he deſired I ſhould be a judge of the value of them, and accordingly I looked in them, and ſaw M. and P. and being ſo many years a clicker, and maſter ſhoemaker, I was ſure they were a pair of ſale boots; he ſaid they coſt him eighteen ſhillings and ſixpence, and he would not ſell them under twenty-five ſhillings; ſeeing this mark, I ſaid, I could get him members enough to raffle for them, in order to detain him; and I went to Mr. Muggridge and Pitman, thinking it was their mark, I aſked them how their boots were marked, and I found they were Mr. Mairis and Philips's, in Lombard-ſtreet; I went from there and called in Great Turn-ſtile, on Mr. Mairis, and I went to Lombard-ſtreet, and we came back in a coach to my houſe; by this time the priſoners were gone, Mr. Phillips declared they were his cutting out, and his boots, and his writing, but they were not his ſtraps that were to them; they had left the boots in my bar, the priſoner ſaid he was acquainted with Mr. Strahan, No. 3, Charles-court, I went to Mr. Strahan, and aſked him if he had ſeen Mr. Sloper, when I found he had been there, but I could not find him; the next morning the man priſoner came to my houſe for a penny-worth of purl, I gave him in charge, but not without going out, under pretence to get change, in order to get ſome aſſiſtance; I ſent for Mr. Phillips and we went to Mr. Hyde; I have had the boots ever ſince, theſe are the very ſame boots that he left with me, to be raffled for.

Who is the woman priſoner?——I do not know.

NATHANIEL PHILLIPS *ſworn.*

I am partner with Robert Mairis, I know theſe boots perfectly well, they are my own cutting out and writing in them; the boots were not finiſhed when they were taken away, and theſe ſtraps are not our's; I miſſed them on Wedneſday the 15th of December laſt, all day, I made many enquiries; I do not know either of the priſoners; theſe are the boots that were miſſing, and that were not finiſhed.

SAMUEL WOOD *ſworn.*

The two priſoners came into Mr. Mairis and Phillips's ſhop to buy ſome ſhoes, on Tueſday the 14th of December, I ſerved them with a pair of ſhoes, which they paid for; I am perfectly ſure they are both the ſame people, I obſerved they had a particular look, which made me curious in looking at them, they ſtayed ten minutes in the ſhop, I did not miſs any thing then; I know nothing of either of the priſoners.

Court

Court to Phillips. Do you know either of the prisoners?—The man says his name is Sloper, and he is a relation to General Sloper.

Is the woman his wife?—I do not know.

PRISONER's DEFENCE.

I bought the boots of a man on Saturday night, the shoes that this gentleman speaks of, I bought on Monday following.

Who is the woman prisoner?—My wife.

The prisoner called three witnesses, who all gave him a good character.

SIMON SLOPER, GUILTY.

To be whipped, and confined six months in the House of Correction.

MARGARET SLOPER, NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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252. JAMES, otherwise WILLIAM BALDING, and THOMAS TILL, were indicted for feloniously breaking and entering the dwelling house of Elizabeth Marshall about the hour of one in the day, on the 1st day of January last, no person being therein, and feloniously stealing therein, one coat, value 4s. one waistcoat, value 2s. two shirts, value 2s. the property of Robert Graves; and one cotton gown, value 5s. the property of the said Elizabeth.

The witnesses examined apart at the request of the prisoners.

ELIZABETH MARSHALL *sworn.*

I live at Mile-end; my house was broke open the 1st of January, I went out between twelve and one in the day time, there was nobody at home, the windows and doors were all fast, the street door was upon the latch; I returned about one, and found the street door open; I met two chimney sweepers coming down the stairs, the inner door had been open, and the lock of the upstairs door broken; I asked them what business they had there; they were the prisoners; I am sure the street door was shut when I went out; I missed my gown the first thing, the next was the coat, and waistcoat, and two shirts; I then found I was robbed; I called out, stop thief, and I run after the prisoners as far as the Globe, and then I lost them.

ROBERT GRAVES *sworn.*

I lost a coat, and waistcoat, and two shirts: I left my things at this house.

WILLIAM BURRELL *sworn.*

I was walking in Stepney fields, and I heard the woman call stop thief; I saw the prisoner Balding drop these goods from off his shoulder, I pursued and took him, and as I brought him back, he took up the bag, and said the goods were his; I carried them from the place where he dropped them, to the Globe, at Mile-end, and there he heaved them out himself: I took the prisoner Balding, and he was committed.

HENRY HOMMESTON *sworn.*

I was at work at Stepney gravel-pits on the 1st of January, and I heard the cry of stop thief; I saw the two prisoners coming along, I ran after them, and caught one of them, which is Thomas Till; I took him back to the Globe, he came back, and the shortest took up the bundle with these things in it, which he had thrown away, and said that was his property, and then he went, and we told him to shoot the things out of the bag, and he did, and the prosecutrix owned the things.

JOHN MACQUIRE *sworn.*

I was coming from the Plough, at Mile-end, I saw the prisoner Balding coming out of the prosecutor's house, with a bag upon his shoulder; the other prisoner was with him, and they ran across the road to Bow-common-lane, this woman came out, and cried out stop thief, and I ran and several others

others into the field; the priſoner Balding dropped the bag from his ſhoulder, and they both ran on further; the two young men came from the gravel-pits, and ſtopped them; and when Balding came back where the bag lay, he took it up and ſaid it was his property; we brought him to the Globe, and he ſhot out the things that are here.

(The gown depoſed to by Marſhall.)

What is the value of it?—Five ſhillings.

(The coat, waiſtcoat, and ſhirts depoſed to by Graves, and valued at eighteen ſhillings.)

MARY WOOLLETT *ſworn.*

I come to ſpeak for Till, I have known him from a child, he worked for my huſband, I am a ſoot dealer; he has been at ſeveral gentlemen's houſes, I never heard a bad character of him.

JAMES, otherwiſe WILLIAM BALDING, THOMAS TILL, } GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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253. JOHN MILLS was indicted, for that he, on the 11th of March laſt, feloniouſly did ſteal and take from out of the General Poſt-office, one letter, directed to Meſſrs. Holmer and Co. at their ſteel-yard, Thames-ſtreet, London, the ſaid letter being in the ſaid Poſt-office then lately before; and ſent by John Child, from Neath, in the county of Glamorgan, by the poſt to the ſaid Poſt-office, to William Holmer, of Alhallows-lane, London, ironmonger, and there to wait to be delivered to the ſaid William Holmer, againſt the form of the ſtatute.

A Second Count, charging the offence in the ſame manner, only calling it a pacquet inſtead of a letter.

A Third Count, for that he feloniouſly did ſteal and take, from and out of a certain Poſt-office, one certain other letter, directed to William Holmer, in St. Thomas's ſtreet, London, ironmonger, againſt the ſtatute.

A Fourth Count the ſame as the third, only calling it a pacquet inſtead of a letter.

A Fifth and Seventh Counts, only varying the direction.

And a Sixth and Eighth Counts, calling it a pacquet inſtead of a letter.

Council for the Proſecution.

Mr. Attorney-General, Mr. Wilſon,
Mr. Solicitor-General, Mr. Silveſter.
Mr. Serjeant Walker, Mr. Fielding.

Council for the Priſoner.

Mr. Garrow and Mr. Parke.

The Indictment was opened by Mr. Fielding: and the Caſe by Mr. Solicitor-General, as follows.

Gentlemen of the Jury, you will be pleaſed to attend for a very few minutes, while I ſtate to you the nature of this offence which is imputed to the priſoner at the bar, and which it is now your duty to try: you muſt be well ſatisfied, from the indictment, that this is a caſe well worthy of your ſerious attention; becauſe, on the one hand, the intereſts of a commercial country are at ſtake, and on the other, the life of the priſoner. Gentlemen, it was ſome years ago found neceſſary, in order to protect the mercantile part of the country, to make it a capital offence to ſteal from the Poſt-office any letter or pacquet which came there by the poſt; the offence with which the priſoner ſtands charged, is that of having ſtolen a letter, and which letter happened to contain in it a ſhare of a lottery ticket, which was the principal medium whereby this letter was traced. It will be proved to you, that on the 8th of March laſt, a Mr. John Child, of Neath, in Glamorganſhire, wrote to his correſpondents Holmer and Co. and incloſed a half and a quarter of a lottery ticket; the half of the lottery ticket is not in queſtion at preſent, but the quarter is

that by which this theft has been traced, which is ſuppoſed to have been committed by the priſoner at the bar: whether that ſuppoſition is juſt or not, is for you to determine. Gentlemen, the number of the ticket was 28152, of the lottery for the year 1783, ſubſcribed by Hazard, Burne and Co. of the Royal Exchange, importing that the bearer ſhould be intitled to ſuch a ſhare of that ticket, as ſhould belong thereto. Mr. Child having occaſion, as I have mentioned, to tranſmit thoſe parts of the ticket to Mr. Holmer, in London, he wrote a letter, and gave it to Martha Gibbon, his ſervant, and directed her to put it into the Poſt-office at Neath, where it will alſo be proved to you it was put in, and entered in the book of that day; the next ſtep is, to ſhew that this letter arrived in the uſual courſe, in a bag ſealed up, at the Poſt-office in London, on the 11th of March, accompanied, as uſual, with a bill, importing the amount of all the charged letters in that bag; and it will be a little material for you to advert to this circumſtance, that the whole of the letters for that day were four ſhillings, and that this being a triple letter made one ſhilling, and ſo it was found when it came to London, and this proves the bag came to London in the ſame condition it went from Neath. Mr. Child not having received any anſwer from his correſpondents, and conceiving this to be a matter of ſome conſequence, furniſhed them with a deſcription of what was contained in the letter; the conſequence was, they went to the lottery-office of Meſſrs. Hazard and Co. apprehending that perhaps this lottery ticket might be the means of tracing this matter, and they there found, that the half ticket had been paid, but the quarter had not. Gentlemen, on the 29th of November laſt, this quarter of a ticket was preſented to Hazard and Co. and a claim made for it, it having been drawn a prize of twenty pounds; Hazard and Co. having before been cautioned, demurred againſt the payment, and deſired the perſon who brought it, who will turn out afterwards, if my inſtructions are right, to be the priſoner at the bar, to come the next day: he went away complaining, as is uſual, that they did not pay him his money, but on the next day he did not come back. In the courſe of their converſation with him, they aſked him his name; his anſwer was, that his name was Clark, and he ſaid he had received it of a perſon of the name of Thomas Mills, of Southwold, in Cornwall. This information was not communicated to the Poſt-office as it ſhould have been, but Mr. Hazard's people mentioning it to Wroughton, who is the letter carrier of that diſtrict, on deſcribing the perſon, it occurred to Wroughton that it muſt be the priſoner who preſented this quarter of a ticket: and upon its being mentioned to the priſoner himſelf on Friday the 3d of December, the priſoner ſaid it could not poſſibly be him, for he had not been at Hazard's office for two years preceding; it was then recommended to him to go and ſtate that circumſtance to them; and it ought to be ſtated to you, for I am Council neither for one ſide or the other, but Council for the truth of the fact, it ought to be ſtated, I ſay, that the man did go, and Mr. Burne inſtantly recognized the priſoner's perſon, and inſiſted on it, that was the perſon that ſtiled himſelf Clark, and ſaid he had the quarter from a perſon of the name of Thomas Mills of Southwold in Cornwall: this matter then came to the ears of the Secretary and the Comptroller of the Poſt-office, and they ſent for the priſoner, the younger Mr. Burne, and Mr. Brooks, another partner; and they continuing in their aſſurances that the priſoner was the man, their attention became more attracted, and comparing every thing together, they had the priſoner at the bar apprehended, and it has been thought neceſſary to proſecute him. The manner in which this ſort of fraud is uſually committed is this; at the Poſt-office there are fourteen or fifteen departments, ſubordinate to which there are fifteen different letter-carriers; miſtakes being often made

made in ſorting the letters, the letter-carriers go again to the reſorting, and that makes them ſo accurate as they are, you will eaſily ſuppoſe that a man very ſeldom or never ſecrets a letter within his own walk, becauſe the ſuſpicion would fall on himſelf, but letters paſs through his hands which are not in his department, and which he ought to lay aſide: in this ſituation the letters are, and you will ſee how eaſy it is for a man to get poſſeſſion of a triple letter, which catches the eye, and particularly the eye of a man accuſtomed to thoſe ſort of letters: Gentlemen, you will ſee how theſe circumſtances occur, you will underſtand that this letter was not in the priſoner's walk. Theſe are the outlines of the proof that we have to lay before you, if they are ſatisfactory, and prove to your minds, that the priſoner is the perſon that took this letter, you will do the public juſtice on the one hand, and find him guilty of this offence: but moſt certainly, on the other hand, it is infinitely better that the public ſhould ſuffer in ten thouſand inſtances, rather than any individual ſhould ſuffer in one inſtance, which is not fairly and juſtly proved upon him.

JOHN CHILD *ſworn.*

Examined by Mr. Wilſon.

I know Mr. Holmer, I correſponded with him; I ſent him a letter on the 8th of March laſt, and directed it to Mr. Holmer and Co. at their Steel-yard, Thames-ſtreet, London, to the beſt of my knowledge, for I have directed letters ſo to Mr. Holmer, and never found any of them miſcarry; Mr. Holmer and Co. at the Steel-yard in St. Thomas's-ſtreet, London, and at the Steel-yard, without St. Thomas's-ſtreet, then to the Borough, then my letters paſſed very well, then to St. Thomas's-ſtreet, and my letters paſſed very well; then Mr. Holmer adviſed me that he did not live in St. Thomas's-ſtreet, but in Thames-ſtreet: this letter contained half and a quarter of a lottery ticket, the quarter was No. 28152, the ticket was drawn a prize of twenty pounds, I ſent this incloſed in a letter directed to Mr. Holmer, it was of the lottery, 1783, it was a ſhare of Hazard and Co's. it was ſubſcribed Hazard and Co. to the beſt of my knowledge, I know it was.

Did you ſeal your letter?——I did.

What did you do with it then?—I delivered it to my ſervant girl, her name is Martha Gibbon, at my own houſe at Neath in Glamorganſhire, about eleven o'clock, to take to the Poſt-office, the poſt goes out ſometimes between twelve and one, and ſometimes later; I did not pay the poſtage of it, it was not franked, I never received any advice from Holmer and Co. that he had received it, and I wrote to him again; this is the number I ſent up, I cannot ſay whether this is the identical piece of paper.

Mr. Garrow, one of the Priſoner's Council. I take it for granted, you keep only the numbers of your tickets?—Nothing elſe.—

That was the only memorandum you made of it?—Yes.

Of courſe there were more than this one?——No doubt.

You have no other way of knowing, or of ſtating, that *that* is your's but this?——No, it is 28,152, a quarter ſhare of a twenty pound prize.

Was there any entry in the name of Hazard?——I have a book in the firſt place, in which when I bought them was entered, "Shares bought of Hazard." I know it was a quarter of a ſhare of twenty pounds.

Have you any memorandum made by yourſelf, and taken from the ſhare itſelf?—I know it from recollection only.

Your memorandum only goes to the number?—No more than the number, and that it was purchaſed of Hazard.

Now you ſpeak from recollection, your memorandum furniſhes you with the number and Hazard's name from recollection?——Yes.

You have no reaſon to believe that you directed it to the Steel-yard that day at this diſtance of time, inſtead of any other of the various ways in which you directed to Holmer and Co.?—No, really, Sir, I have not, it was either St. Thomas's-ſtreet, or Thames-ſtreet, I cannot ſay which it was.

Mr.

Mr. Wilſon. Did you make more than one memorandum, or only one?—Only one.

That is what you have ſtated, containing the number of a quarter ſhare?——Yes.

MARTHA GIBBON *ſworn.*

Examined by Mr. Serjeant Walker.

I live in Neath, I am ſervant to one Mr. Thompſon, but laſt June I lived with Mr. Child; I received a letter from him, and carried it to the Poſt-office; I cannot tell the time of the day I received it, but I think it was ten o'clock, I am ſure I carried it to the Poſt-office, I delivered it to the hands of Miſs Sterry, now Mrs. Thomas.

What is her buſineſs there?—She is under the poſt-maſter there, I believe.

Mr. Parke. What day in March was this?—The 8th day of March.

How do you know?——Becauſe I was brought to account ſoon after, as my maſter did not receive an anſwer.

Have not you been accuſtomed to receive letters frequently from your maſter?——I have.

Can you read Engliſh?—Yes, Sir, I can, but I did not read the directions.

Then how do you know they were directed to thoſe people?—Becauſe I heard my maſter ſay ſo.

That is no evidence at all.

ELIZABETH THOMAS *ſworn.*

My maiden name was Sterry, I am aſſiſtant to the poſt-maſter of Neath, I perfectly well remember receiving a letter from that young woman on the 8th of March, I put it into the box at the hour of one, and ſent it off, there is a letter bill, and the letter was charged, but I cannot recollect what it was charged; this is my writing, that letter bill accompanies all the letters in the London bag.

Mr. Garrow. What is the poſtage of a ſingle letter from Neath to London?——It was then four pence.

It does not appear from your letter bill, how many double, how many treble, and how many ſingle?—No.

It cannot be traced?—No.

Have you been long in the department of the aſſiſtant of the poſt-maſter?——Some years; we frequently make miſtakes, we put ſome double that ought to be treble, and ſome treble that ought to be double.

Do you mean to ſtate that as a matter clearly within your recollection, that on the 8th of March you received a letter from this young woman?—Yes, I received two, one for London, and the other for Cornwall.

How many letters do you think you might have received in the courſe of that week from different perſons?—I cannot recollect.

In the courſe of a month?—A great many; that was on a Monday the 8th of March.

Did you receive a letter from her on the Wedneſday?——Not that I recollect.

Did you or not?——I do not recollect that.

Did you receive a letter from her on the Friday preceding it?—I do not know.

Any other day in the courſe of that week?——I do not know.

But theſe two letters you recollect; do you recollect no other letters on other days?—Yes.

What is there ſo ſingular in this, Mrs. Gibbon, that ſhould induce you to remember her?——I very ſeldom take the letters at the door, becauſe I very ſeldom go to the door, I happened that day to take the letters from this girl, and Mr. Child came ſoon after, and aſked me if I remembered it.

The remainder of this Trial in the next Part which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY 1785, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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MDCCLXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Mills.

THOMAS HEARD *ſworn.*

Examined by Mr. Fielding.

I am in the inland office, I was there when the bag from Neath arrived after the 8th of March; on the 11th, I cannot tell the exact time I opened the Neath bag, it came ſealed and tied, according to the common courſe of buſineſs; the letters it contained were anſwerable to the bill, this bill was in the bag, which is called the letter bill.

Did the letters correſpond with that bill?——They did, the number of letters correſponded, and the charge was proper, to the beſt of my judgment, or I ſhould have made a memorandum on the bill; theſe letters are put down by the ſide of me, and a meſſenger takes them to the ſtamper, and they are taken and ſorted.

Mr. Garrow. I dare ſay you, like others, ſometimes make a miſtake?——I may, probably, ſometimes.

Does not it happen to you ſometimes to miſcharge letters?——If I make a miſtake it is probably in over-charging.

But we who receive letters can tell you it happens the other way, they are not always over-charged; is not it a practice in the office to have ſomething like a rivalſhip in charging letters?—There are ſuch things done.

That proves to a demonſtration, that now and then there are miſtakes made?—No doubt of it.

After you have looked over the letters, they are taken away by ſome other perſon?——Yes, by the meſſengers or ſtampers.

How many perſons have acceſs to them, and may, if they chooſe it, look at them?——We are all publickly at the table.

So that ſeveral perſons, if they chooſe it, may reſort to the letters as they lay on the table?——It is very uncommon.

Then they may ſecret a letter?——I do not think they could.

You mean not unobſerved?——I think it is impoſſible.

How many perſons are there who might, without ſuſpicion, come and ſtand there?—It is very uncuſtomary for people to ſtand together at the Poſt-office, they are never ſuffered to do that, the Comptroller never ſuffers three or four to ſtand together.

No, but he ſuffers any number to come by turns to the place where you ſit?—

They

They may come and ſpeak to me no doubt.

How long have you known the priſoner?—Ever ſince I have been in the Poſt-office.

Was he on the 11th of March employed in the Poſt-office?—I do not know.

What has been his general character?—I always heard he bore a good character.

WILLIAM HOLMER *ſworn.*

Examined by Mr. Wilſon.

Where do you live?——In Alhallows-lane, Thames-ſtreet.

How long have you lived there?—About five years.

Where did you live in the Borough?—High-ſtreet.

Did you receive from Mr. Child any letter in March laſt, containing two ſhares of lottery tickets?——No, Sir, I did not.

Did you afterwards receive an account of ſuch a letter having been ſent?——Yes.

Did you do any thing in conſequence of that?——I went directly to Mr. Hazard's, and told them the number, and ſtopped payment; I am not ſure whether I went myſelf or ſent my clerk, but one of them was not paid, one was; I went to Mr. Hazard's about the firſt of April.

Mr. Parke. Mr. Child is a correſpondent of your's, I think?——Yes.

You have frequently received letters from him?——Yes.

Were they always directed to your houſe in Thames-ſtreet?—No.

They have been directed in various ways?—Yes.

Do you know your letter-carrier that brings letters to your houſe?—I believe he is in court; there have been ſeveral in that diſtance of time.

Did you ever ſee the priſoner?—Never but once, that was at the publick office.

Who takes in letters for you at your houſe?—They are brought into the compting-houſe, my clerk takes them in, but never opens them without my order; I have a partner now, I had not then.

Your houſe was a firm?—It was Holmer and Co. I had a partner in the Borough.

They did not direct to your houſe in Thames-ſtreet, to Holmer and Co.?——Many people did; I had no partner at that time.

CHARLES POINTER *ſworn.*

Examined by Serjeant Walker.

I belong to the Poſt-office, I know the priſoner, I am one of the letter-carriers, the priſoner was a letter-carrier on the 11th of March laſt, I am ſure of that, I have been in the office near fourteen years, I have known him all the time he has been in the office.

What walk had he?—Holborn-hill and Hatton-ſtreet.

Not Thames-ſtreet nor the Borough?—No.

Mr. Garrow. But you are ſure he was employed in the Poſt-office on the 11th of March?—Yes.

What has been his general character during that time?—Always a very good character, I have known him almoſt fourteen years, an extraordinary character. I was in the country at the time that he left the office.

SAMUEL POTTS, Eſq; *ſworn.*

I am Comptroller of the inland department in the Poſt-office.

Have the different letter-carriers acceſs to the rooms?—They are conſtantly coming in to the inland office to receive ſuch letters as are ſorted to the different ſeats.

Deſcribe the proceſs that is uſed in ſorting the letters?—The letters for this town are divided into fifteen diviſions, the gentlemen who are appointed ſorters, ſort the letters to each of theſe diviſions, and to the beſt of their judgment they ſort the letters to the particular walks that appertain to thoſe ſeats, but it frequently happens, either through

through want of knowledge of the ſtreet, or knowledge of the buſineſs, that they ſort a letter that ſhould be for one ſtreet into the other, and when that is done, it of courſe goes in common with other letters to the letter-carrier's office, there they find the miſtake, and they are ſubdivided again to their different quarters, and if there are any miſ-ſorted letters, they rectify the miſtake among themſelves, and deliver it over to the letter-carrier who ſhould have care of that letter; the priſoner was in the Poſt-office, he was one of the letter-carriers at what we call Murrell's ſeat, and had the charge of courſe to ſort the letters, when they get into the letter-carriers office, for the different diviſions of letters in that ſeat.

Mr. Parke. I think you ſay, Sir, ſometimes the letters are ſorted wrong?—Very frequently.

You cannot ſay that it would have fallen to this man's lot to ſort this letter and ſend it to Thames-ſtreet?——It is impoſſible for me to ſay that it fell into this man's hands, in the nature of things it may have come into this man's hands.

How many letter-carriers are there?—I cannot tell.

You have known this man ſome time?——Ever ſince he has been in the office, thirteen or fourteen years, and till this unhappy affair happened, he had an exceeding good character, and I had always eſteemed him as a very honeſt, upright man.

Do you know any thing that happened after this tranſaction, that the priſoner was ſuperanuated?—He was, he received eleven ſhillings a week in conſequence of an affair that happened prior to this.

Mr. Silveſter. At this time he had acceſs to the office?—Yes.

And it might come into this man's hands?—Yes.

Mr. Garrow. In common with how many more?——Sixty or ſeventy.

To all of whom this letter might as well have come as to him?—Yes.

THOMAS HANCOCK *ſworn.*

Examined by Mr. Fielding.

I am a letter-carrier in Thames-ſtreet, I received the letters from the Poſt-office on that day, as I believe.

Can you ſay that all the letters you received from the Poſt-office on that day were delivered according to their directions?——Myſelf I was on duty they were, but I cannot be ſure that I was upon duty; it does not happen once in ſeveral months that I am not on duty, but I cannot particularly ſay I was on my duty on that day, but I think I was: there is a book in which there are ſome figures of my making that day.

What do they import?——They were charges from Murrell's ſeat to us, they import, that I was preſent at the office that day, and if ſo, I can ſay all the letters were delivered according to their directions on that day, to the beſt of my judgment.

Mr. Garrow. Then it appears from your entry, that on that day there were letters to the poſtage of eight-pence handed over from Murrell's ſeat to your's?—Yes.——

There are five perſons, theſe charges might have fell into the hands of theſe five?—They muſt by the regular courſe of buſineſs come into my hands.

You ſay, to the beſt of your judgment, you delivered all the letters that were delivered to you?—Yes.

How long have you known the priſoner?——I have known the priſoner about five years; his general character has been exceeding good.

THOMAS BURNE *ſworn.*

Examined by Mr. Solicitor-General.

I am clerk to Meſſrs. Hazard and Co. at the Royal Exchange.

When did you firſt ſee the priſoner?—On Monday the 29th of November, 1784, between five and ſix in the evening, I ſaw him in the office, he brought the quarter of a lottery ticket, No. 28,152, for payment.

Did

Did you pay it?——No.

What was your reaſon?——There was a mark put againſt it in the book which I examined it in, the mark was, "Stolen, apply to Meſſrs. Holmer and Co. Steel-yard, Thames-ſtreet." I refuſed to pay it on account of that mark; I aſked the priſoner how he came by that quarter, he ſaid he received it of Thomas Mills, of Southwold, in the county of Cornwall, and that his name was Clark.

Did any thing paſs between you?—I told him I could not poſſibly pay it then; he ſaid it was very hard and very cruel that we would not pay it when it was preſented; I deſired him to call the next day, I kept the ſhare in the office, I ſhould know it again; this is it, here is written, Thomas Mills, Southwold, Cornwall, at the time he was in the office, in my own writing; I ſaw the priſoner on the Friday following, he came into our office with one Mr. Wroughton, one of the letter-carriers, to clear himſelf, and ſaid he had not been in our office for two years; I went over to the Poſt-office, and told the gentlemen of the Poſt-office that was the perſon.

Court. Was you poſitive then, or did you ſay you believed ſo?——Yes, I ſaid poſitively that is the man.

Take great care to the anſwer you make to this queſtion; are you poſitively ſure the priſoner was the man that came to you and offered that ſhare of a ticket to you for payment?—I am poſitive of it.

How many ſhares was this particular ticket divided into?——One half and two quarters.

Mr. Garrow. How long have you been in the office?—Upwards of ſix years.

How many perſons were in the office at this time?—Upon my word I cannot tell, the office was pretty full, ten or a dozen people.

All of them tranſacting buſineſs relative to the lottery, and moſt, if not all, ſtrangers: now do you recollect the tranſactions about which all of them, or any of them came?——No, Sir, I cannot.

Who is the perſon you have ſince adverti ſed for?——I do not know.

Have you been able to find him?——I have not, he has been adverti ſed a very many days without ſucceſs.

Did you tell the perſon who brought the ſhare the reaſon why you could not pay it?——I told him there was a ſtop. He might be in the office about ten minutes.

Did you know him before?——No.

You ſaw no more of him from the Monday to the Friday, and then he came voluntarily to you?——He did, he told us that Mr. Wroughton knew his place of abode, and that he might be found when he was wanted; there were four or five perſons belonging to the office at the time, two of them are here.

I believe the priſoner was not apprehended till the 6th?——I cannot ſay.

Do not you know for three days after that Friday, he was ſtill at large?——I do not recollect.

Will you fix, as preciſely as you can, the time of the evening when the perſon you ſuppoſe to be the priſoner, came in?——It was half paſt five, as near as I can recollect.

Have you always ſaid ſo?—I have always ſaid, between five and ſix.

The payment of this note has been ſtopped upwards of eight months?—From the 1ſt of April, when Mr. Holmer firſt gave information.

How many hands it might have paſſed through, you can as little judge as the Jury?——It is impoſſible.

SAMUEL BROOKE *ſworn.*

I am a clerk in Mr. Hazard's office, and was at that time; I recollect the priſoner perfectly, I firſt ſaw him on the 29th of November, between five and ſix in the evening, when he preſented a quarter of a ticket for payment; there was wrote againſt it, "Stolen, apply to Meſſrs. Holmer and Co. Steel-yard, Thames-ſtreet." He preſented this ſhare for payment, and it was ſtopped;

he was desired to call again on the morrow; he did not call.

Did you ask him how he came by it?——No, I did not attend to that part of it, I was busy elsewhere.

You know the life of the prisoner is at stake, be very certain to what you say.——I am perfectly clear with respect to his person, I saw him on the Friday, he came with Mr. Wroughton to Mr. Hazard's office, to clear himself; he said he not been in the office for two years.

At that time when he came and said that, did you entertain any doubt whether he was the person that had been there on the Monday before?——Not the least, I told him at that time I was sure he was the person.

Mr. Parke. How long have you been a clerk in this office?—During the drawing of the lottery.

You see a great many faces then?——A great number, there were a great many in then.

What time was it?—Between five and six, as near as I can recollect, it was about half an hour past five, I have always said the same.

You say in your book there was a mark, stolen?—Yes.

When this man came in and claimed the prize this ticket was intitled to, you did not stop him nor apprehend him, although the word stolen was written opposite to that number?—No.

Did you give any information?—No.

Nor send for a constable?—No, he went away, we did nothing further in it till the prisoner voluntarily applied to the office, and said he was not the man; we told the man that brings our letters about it, and from our description he judged it was the prisoner.

You had no doubt when this man came to the office on Friday?—None at all with regard to his person.

You had heard from Mr. Wroughton that he believed it to be Mr. Mills?——There was something said, from the description he believed he knew him.

When the prisoner came to the office, what passed?—I left him in the office, I did not see him after.

Was it candle-light on the Monday?—Yes, it is candle-light all day with us.

JOSEPH CALDER *sworn.*

I know the prisoner perfectly well by sight, seeing him there, no otherwise, I first saw him there the 29th of November, at Mr. Hazard's office; I am sure he is the same man, perfectly so; he presented a quarter of a share of a twenty pound prize for payment.

Did he receive the money?——No; I know he is the man, I am sure he is the man; I took particular notice of him from a circumstance, from his having a blemish on his right eye; I described him so to Mr. Wroughton, I am sure he is the same man, perfectly so.

Mr. Garrow. Did it not occur to some of you, that it was your duty to stop this man?—I do not know, it is very difficult to stop a man we have no reason to suspect; we knew it had been stolen, I did not then suppose we had a right to stop the person; we stopped the thing; I did not see him on the Friday, nor ever since till now in Court: I will shew you the entry, it is simply, *stolen*; I wrote a note the next morning to Mr. Holmer, which note I have in my pocket.

WILLIAM COOPER *sworn.*

Did you purchase a quarter of a ticket at Hazard's?——I did, it was 28,152, sometime in September, it was in my possession till I received the money of Mr. Hazard.

Mr. Burne. Here is the half and quarter of that ticket, and the half of another ticket; this half and the two quarters make up the whole ticket.

Prisoner. I leave my case to my Council.

Court. You must be apprised, that your Council cannot make any speech for you, therefore, if you wish to speak, now is your time.

Prisoner.

Prisoner. I can only say that I know nothing at all of the transaction.

JOHN LISSIN *sworn.*

I was present at the time when it was intimated to the prisoner, that there was a suspicion that he had been at Hazard's, I informed him of the report I had heard, I recommended him to go to Mr. Bourne and clear his character, he said he would, very readily; he went directly, and desired me to go Mr. Wroughton, and beg Mr. Wroughton to go with him; Mr. Wroughton is a letter-carrier in the district of Mr. Hazard's office, he was at large afterwards and not apprehended, he was at his own house; he persisted in denying the charge.

—— WROUGHTON *sworn.*

I went with the prisoner to Mr. Hazard's, he was very desirous to go, and assured me he was innocent before he went, and upon the way, and there; he went there for the purpose of shewing himself, and that he was not the person they had said he was, and I left him there; I saw him at large afterwards, he came to the office on the Saturday, on Monday he was sent for to the office.

He was not then under the custody of any constable?——No.

Mr. Attorney General. Inform the Court how you came not to give information immediately when the people at Hazard's first informed you of the kind of person that brought this lottery ticket, and you suspected it to be the prisoner?—I did not suspect the man, I only said that the account they gave was something like the prisoner.

Why did not you give information to the Post-office of what had happened?—That same day I told several persons belonging to to the Office, that such a report had been made; the prisoner was not an officer at the Post-office at that time; I communicated it to several of the letter-carriers.

Not to Mr. Todd, or any of the principal officers?——No.

ISAAC BEARD *sworn.*

On Monday after this story, the Comptroller and Secretary sent for me, the prisoner was in the room, I heard no conversation there at all; I took charge of the prisoner, he went quietly with me, I had no warrant, nor any other order, but only the order of the Comptroller; he staid very quietly all night, he went to bed between ten and eleven; the next day we went up to Sir Sampson Wright's, he walked along with me; I asked him if he would have a coach, he said no, he was clear of any thing.

The prisoner called eight witnesses, who gave him an exceeding good character, one of whom was a West India merchant, and another gentleman to whom the prisoner had brought letters, inclosing bills of exchange and bank notes, all of which came very safe.

Court to Child. Do you know such a place as Southwold in Cornwall?—No, I do not know any place in Cornwall.

You sent another letter at the same time into Cornwall?—Yes.

Did that letter go safe?——Yes, I had an answer to it.

GUILTY, Death.

He was humbly recommended to mercy by the Jury.

Tried by the London Jury before Mr. Justice HEATH.

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254. ANN JONES was indicted, for that she, on the 22d of November last, feloniously did utter and expose to sale, to one Richard Glover, one hundred and fifty pieces of paper, with a counterfeit impression thereon, in the similitude of a two-penny stamp, well knowing them to be counterfeited, with an intent to defraud the King.

A Second Count, for feloniously uttering, vending, and selling the same, with the like intention.

A Third

A Third Count, for uttering and expoſing to ſale to the ſaid Richard Glover, one hundred and fifty other pieces of paper, with a counterfeit impreſſion of a certain other ſtamp, which had been duly provided in purſuance of the Act of Parliament, knowing them to be counterfeited, with intent to defraud the King.

A Fourth Count, with the ſame difference between the firſt and ſecond.

The indictment was opened by Mr. Silveſter; and the caſe by Mr. Wilſon.

——— BRETTLE *ſworn.*

Examined by Mr. Silveſter.

I am Secretary to the Stamp-office, here are the names of the Commiſſioners, James Bradſhaw, William Bailey, William Waller, Richard Tickell, and John Bindley.

Was there any order made for providing a ſtamp?——I believe there was, this is an order to Mr. Major the engraver, dated the 21ſt of June, 1783, ſigned J. Bindley, R. Tickell, W. Bailey.

(Read.)

——— MAJOR *ſworn.*

I received this order from the Stamp-office, in purſuance of that order I provided a ſtamp, letter G, with the other letters that follow; G is the ſtamp now in queſtion.

GEORGE HARRIS *ſworn.*

I am Superviſor of the ſtamps, this is the ſtamp that has been uſed by the Commiſſioners, from the time that this impreſſion was made it has been in uſe, which was the 8th of July, 1783.

RICHARD GLOVER *ſworn.*

Examined by Mr. Wilſon.

Do you know the priſoner?——Yes.

How long have you known her?——She has been at our houſe backwards and forwards this three or four months.

What are you?—I am a cheeſemonger.

Where do you live?——In Red-lion-ſtreet, Clerkenwell.

Have you ever had any dealings with her?—No otherwiſe than ſhe often bought from me ſome butter and cheeſe, and about the 22d of November laſt, as near as I can gueſs, I bought ſome ſtamps of her, ſhe brought them to my houſe, I never had any converſation about them before.

Tell us as particularly as you can remember, what paſſed?—She brought them, and ſaid ſhe found them on Tower-hill.

Do you know what number of them there were?——There were about two hundred.

What did you do?——She aſked me to buy them, I told her they were of no uſe to me, ſhe pleaded poverty very much, and ſaid ſhe was in great diſtreſs, and aſked me to give her ſomething for them; I aſked her what ſhe aſked for them, ſhe told me ſixteen ſhillings or half a guinea, or any thing that I would give her, as ſhe was in great diſtreſs; I did not give her any thing for them then, they were left at my houſe for a day or two, and I called on Mr. Thompſon on the Wedneſday following, and aſked him if he did not ſell ſtamps, he told me yes; I told him that a poor woman had found ſome on Tower-hill, and had left them with me, and I had them to diſpoſe of, he ſaid he would buy them, if they were not forged and were good; I told him I knew nothing to the contrary, but the woman brought them to me, and I took them to him, and he examined them, and thought them to be good, and he ſaid he would give me one pound ten ſhillings for them; I left them with him, and he told me to call again in half an hour, as he was buſy then, and he would pay me; I called again in about three hours, and he was not at home, I called the next day and he paid me one pound nine ſhillings for them; he ſaid after examining them one pound nine ſhillings was as much as he could give for them; I took the money, the woman called and I gave her ſixteen ſhillings for them, I never ſaw her after till I was taken.

Was you ever queſtioned about this afterwards?——No.

Was

Was you never taken up about it?—— Yes, I was taken up, and taken to Wood-ſtreet Compter.

Who came to you and took you up?—— Mr. Parrott was the officer, my wife went to this woman to her lodgings, I told the officers who took me in cuſtody, from whom I had them.

JAMES THOMPSON *ſworn.*

Where do you live?——At Smithfield-bars, I received ſome ſtamps from the laſt witneſs Richard Glover, about two hundred, I paid him twenty-nine ſhillings, ſome of them are ſold, the others were taken by a warrant from my houſe.

THOMAS PARROTT *ſworn.*

I am one of the marſhal-men of the city of London, I had a warrant granted by the Lord Mayor; Seabrook and I went to the houſe of Mr. Thompſon, we ſearched the houſe, and finding theſe ſtamps which are ſealed up in this paper, I took Mr. Thompſon into cuſtody, and carried him to Wood-ſtreet Compter, theſe are the ſtamps, one hundred and fifty-three, they have been ſealed up ever ſince; upon the information of Mr. Thompſon's wife, we went to Clerkenwell, and took up Mr. Glover, and brought him to Mr. Thompſon's houſe.

Did Thompſon, when he was taken up, charge Glover with any thing?—He did, he ſaid he had them of Mr. Glover, while they went to find the priſoner, then we took Glover and the woman at the bar to the Compter together; then we went away, and about half after ſeven in the evening, Mr. Seabrook and me went to Wood-ſtreet Compter, and aſked the priſoner for the key of her room, we ſearched her and could not find no key; we went afterwards and broke the door open, Seabrook with a ſtick puſhed the ſtraw on which the woman lay about, and found three or four parcels of theſe ſtamps amongſt the ſtraw; and Mr. Seabrook found this engine, and cloſe by it a fly; and out of that ſame room, there was a door that went into the cellar, which was concealed by a grate, and there we found this preſs, with this ſcrew, and a fly; this was found in the cellar, which was dug out of the ſolid ground. *Here is a model of the preſs.* Looking about we found more ſtamps where the ſtraw was.

THOMAS SEABROOK *ſworn.*

I am a meſſenger to the Stamp-office; on the 2d of December, the Commiſſioners of the Stamp-office received information that Thompſon ſold counterfeit ſtamps, and they ſent me to buy ſome, with Mr. Major the engraver, and Mr. Robinſon; I aſked for three two-penny, and two four-penny ſtamps, he had only one four-penny, I took that and the three two-penny, theſe are the ſtamps; the engraver inſpected them and found the two-penny ſtamps to be counterfeited, I and the officer went to Thompſon's, we found him at home, Parrott immediately took him priſoner; afterwards we ſearched the book which his ſervant gave me thoſe ſtamps out of, we found two in the book, we begged if he had any more he would deliver them up to us, and ſave us the trouble of ſearching the houſe; he ſerched out of the bureau in a little room adjoining the ſhop, about a hundred and fifty two-penny ſtamps, which were found to be counterfeits; afterwards the conſtable took him to Wood-ſtreet Compter; I told him if he could tell who he had them from, it would free him from any harm; he ſaid his apprentice ſhould go and ſhew us where Glover lived, who was the perſon he bought them of; we ſearched and could find nothing more, when Parrott the conſtable returned from Wood-ſtreet Compter, we went immediately after Glover, with his apprentice, we found him at home in Red-lion-ſtreet, Clerkenwell; we took him to Mr. Thompſon's, and after he came there, he ſaid, he thought he could inform us where the perſon lived, that he bought them of; I aſked him if he knew her name, and he ſaid he did not, ſhe told him at the time of buying them, that ſhe lived in White-horſe-alley, Clerkenwell; at the ſame time Mr. Glover's wife came in, and ſhe ſaid ſhe would go

with me all night, but ſhe would find the perſon that her huſband bought them of; we went to this White-horſe-alley, and enquired for a perſon that ſcoured ſauce-pans, that was the way Mrs. Glover ſaid, ſhe thought ſhe might find her, and a woman ſaid, ſhe thought ſhe had been gone from there ſome days, but a little girl came and ſaid, I will go and ſhew you where the perſon lives, it is the perſon that ſells ſtamps; we went with the child to the place where ſhe lodged, and going up ſtairs the people informed us, ſhe was gone away from there, I told Mrs. Glover to go into the ground-floor, and enquire of the landlord, whether the perſon was gone from there, and where ſhe was gone to, and if ſhe ſaw the priſoner, to ſay that was the perſon, and I would take her; On opening the door, the priſoner ſet facing the door ſuckling a child, and making ſome ſilk laces; I told her ſhe muſt go with me, Mrs. Glover told me ſhe was the perſon, the priſoner aſked me for what, I told her for ſelling the ſtamps that were counterfeits; ſhe ſaid ſhe knew nothing of it, when I brought her out I made her lock the door, and put the key in her pocket; and we brought her to Mr. Thompſon's ſhop, in St. John's-ſtreet, to Mr. Glover, and they were both taken to Wood-ſtreet Compter; then I went to the Temple to Mr. Robinſon's chambers, and told him the whole affair, and that I had reaſon to ſuſpect by what I ſaw in the room, there was ſomething in the room that ſhould not be there; I went back with the conſtable, we went firſt to the priſoner for the key, but ſhe denied having it; we then went back to the room, and found the door locked, but the key was not in the place where the priſoner ſaid ſhe had put it; we broke the door open and ſearched about, there was a great cheſt of tools, but no ſtamps, but among ſome ſtraw which was the priſoner's bed, I found ſeveral parcels in brown paper, which are what I gave to Parrott; after that I looked under the foot of the bed, and there I found the iron engine; in ſearching under the dreſſer and in the cloſets, I found a number of ſtamps wrapped up in a petticoat, I gave the whole to the conſtable; afterwards we moved a grate from a trap door, that was in the room where there was a cellar, a coal hole kind of a place, and on moving ſome hampers, under thoſe hampers I found that model of the engine; we brought the things to the Manſion-houſe the next day; I went with Mr. Clarke one of Sir Sampſon Wright's men, for him to inſpect the tools, and we found ſeveral engraving inſtruments in the cheſt; and in ſearching that ſcrew tumbled down the chimney, and had like to have tumbled on my head, the other we found in one corner of the room; the ſcrews are made for a larger engine, after the pattern of the model, it had nothing to do with the buſineſs of ſtamping only with the model; the priſoner was committed to Newgate.

Court to Parrott. Which were the ſtamps found in Mr. Thompſon's houſe?—There are one hundred and fifty-three, I told them myſelf.

Court to Major. Look at theſe ſtamps?—They are all counterfeit ſtamps, I have examined them before.

Court to Parrott. Are theſe what you found in the priſoner's room?——Yes.

Mr. Major. The others are all from the ſame die.

(Shewn to the Jury.)

(The real ſtamp ſhewn to the Jury.

Priſoner. I have nothing to ſay any more than that I found them.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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255. WILLIAM HURT was indicted for feloniouſly aſſaulting John Walker on the King's highway, on the 7th of January, in the pariſh of Edmonton, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and

and againſt his will, one watch in a metal caſe, value 20s. and one guinea, value 1l. 1s. and two ſhillings in monies numbered, his property.

And WILLIAM KENTON was indicted, for that he, on the 7th of January feloniouſly and malicioufly did incite, move, procure, aid, aber, council, hire, and command the ſaid William Hurt, to do and commit the ſaid felony.

JOHN ACKSIN *ſworn.*

I am coachman to Mr. Walker, that is the man that robbed Mr. Walker's coach, I know the man, I ſaw him, I drove the coach, I am coachman to Mr. Walker; I was juſt going into Southgate laſt Friday, about half after three; and in the road to Southgate leading into Edmonton, between Southgate and Edmonton, he preſented a piſtol to me, and bid me ſtop.

Who did?—The priſoner Hurt, there was another man with him on horſe-back, they met me, I did not ſtop the firſt time, the ſecond time he came to my horſes heads again, and ſaid if I did not ſtop he would blow my brains out; he met me coming down, and he turned about and threatened me again, and then I ſtopped; he preſented a piſtol into the coach on the left hand ſide, and ſaid he would blow the lady's brains out, if ſhe did not give the watch and the purſe.

Who were in the coach?——Mrs. Walker, and Mr. Walker, young Mr. Walker, and Mr. Colliſon, I ſaw two watches taken out, and two purſes, I ſaw my miſtreſs give him her watch and purſe, I was upon the ſaddle riding poſtillion; next my young maſter gave a purſe and a watch out, he put the watches and purſes in his pocket, he went down the hill, and I went up the hill; the other man was down with my fellow ſervant the footman, he ordered him to get down or he would blow his brains out, and he ſtood by my fellow ſervant all the time, I ſaw them both go from the coach together; the priſoner Hurt was one of the men, I ſaw him at the Bull at Tottenham, about an hour and half after.

How were they dreſſed when they robbed you?—He had a lightiſh brown great coat.

What ſort of a hat?——A round hat.

Over his face?——Not much over his face, he had a handkerchief over the lower part of his face up to his noſe.

Did you take notice of him, to know him with certainty again?——Yes.

Are you ſure this is the man?——I am ſure he is the man.

Mr. Garrow, Priſoner's Council. Coachman, be ſo good as to take this along with you, that in all that I am aſking you, you muſt ſtate what you know of your own knowledge and obſervation, and not what other people have told you; how long were the people that you ſuppoſe robbed your maſter and miſtreſs, with the carriage?—Not three minutes.

Were there three perſons or two?——Two only.

Were they both diſguiſed?—Yes.

What ſort of handkerchiefs, and what colour?——One was a ſpeckled handkerchief, and the other a black one.

Have you always ſaid it was a black one?—Yes.

You never ſaid it was brown?—No.

Have you ever ſaid you did not know whether it was either black or brown?—No.

Did you ever ſay that to Stubbs?—No.

I will repeat that queſtion once more, have you ever ſaid, you did not know whether it was black or brown?—No.

Which ſide did your maſter ſit on?——The left hand ſide, the near ſide on the back ſeat of the coach.

Which ſide was the highwayman on?—On the near ſide, my maſter fell out of the coach, and hallooed out for a gun, he went to ſtep upon a rail, and he tumbled down, I kept looking round all the time.

Do you mean to ſwear that you ſaw any living creature give a purſe to this man?—Yes, I will take my oath of it.

Have you always been in that ſtory?—Yes.

How many converſations have you had

with your maſter and miſtreſs about this robbery?—None at all, only ſpeaking to them, not to aſk my maſter or miſtreſs, or their ſaying any thing to me about it.

But you have talked to them about the robbery?—Yes, Sir.

I believe they are of the deſcription of people called quakers?—Yes.

They do not chooſe to ſwear about it, but they told you what they knew about it?—Yes.

Now is not your memory very much aſſiſted by the ſtory they have told you?—No.

Do you believe what they told you?—Yes.

I thought you did; I ſuppoſe your miſtreſs told you ſhe gave her purſe, did not ſhe?—I ſaw her.

Has not your miſtreſs told you ſo?—No.

Do you mean to ſwear that ſhe never told you ſo?—She never told me ſhe had a purſe.

Upon your oath, did ſhe never tell you ſhe gave her purſe?—I never ſpoke to my miſtreſs that night.

That will not do coachee, I am not quite ſo young as that neither, has ſhe told you ſhe loſt a purſe that night?—Yes.

I thought ſo; when did you firſt ſay you ſaw your miſtreſs give the man her purſe?—I ſaid, I ſaw her give him a purſe.

Did you ſay it till you heard your miſtreſs would not ſwear it?—Yes.

Have you ſaid it before?—Yes.

Had you ever mentioned it to any human being that you ever ſaw the purſe delivered till you knew ſhe would not ſwear it?—To my maſter.

Deſcribe a little with your own handkerchief, how much of the man's face was covered?—So much.

Do not you know him by his voice?—Yes.

I thought you did, that is right, you have heard him ſpeak when he had not his mouth covered?—Yes.

Do you mean to ſwear that the voice was the ſame?—I ſwear that was the man.

I aſk you, Sir, this, do you mean to ſwear that the voice of the man that was covered with the handkerchief, was the ſame voice you afterwards heard?—He could not ſpeak ſo plain then.

Then you cannot ſwear to his voice?—I can ſwear to his face.

Now having ſworn to his voice, you abandon that; he had a round hat and a great coat muffled up?—No, the coat was not buttoned.

But he had a round hat?—Yes, a very little flapped, turned up on the ſides.

It was a round hat, and his face covered ſo high with a handkerchief?—I never ſaw him before.

I wiſh you would follow the example of your maſter and miſtreſs, and not ſwear upon ſuch ſubjects; do you mean to ſwear to the identity of ſuch a perſon, whom you never ſaw before, whom you did not know; was you always as ſure of him?—Yes, ſince I ſaw this man.

Did you ſwear poſitively to him the firſt time?—Yes.

Then he had not a handkerchief put on at firſt, he had not a handkerchief put on in Covent Garden?—No, Sir.

Where then?—Why never, at no place.

Did you never ſee this man in cuſtody with a handkerchief on his face, any part of his face?—No, the handkerchief was not put on.

Do you ſwear that?—I never ſaw his face with a handkerchief on, before any Magiſtrate.

Where did your maſter ſit?—My maſter ſat on the near ſide, with his back to the horſes.

How was it that you know who gave the purſes?—I ſaw my young maſter's hand give him the watch and purſe too.

You ſaw his coat?—I ſaw his coat, and ſome part of his hand, and likewiſe I ſaw my miſtreſs's ring on her finger.

Was you never at the public office in Bow-ſtreet, when this man refuſed to have the handkerchief put about him?—I was not there then.

Whoſe purſe was it that was given out?—I ſaw my miſtreſs's purſe given out.

What

What colour was it?—A blue, a kind of sky blue.

Did you know that purse before?—Yes, there were some trinkets of gold about it, or it was gilded a little.

Will you swear to the gilding of the said quaker purse?——It looked like gold.

What coloured purse was young master's?——Green.

Have you the confidence to state that you should know either of those purses again?——I have seen it upon the table, and I have carried it to him into the other room.

It was a common green purse?——Yes.

Was you present when Hurt was taken?——No.

Was you present when Hurt was searched?——No.

Court. What sort of watch was it you saw given?——It seemed to be a worked watch.

What sort of case had it?——I do not know, I have heard say it was metal, I never had it in my hand, I knew it was my mistress's watch by the case, it is a worked watch.

Mr. Garrow. Did you see that as you set on your horse?—Yes.

You do not know what money was in the purse?—No.

WILLIAM RAND *sworn.*

I am servant to Mr. Walker, I was very near the carriage with a dung cart and two horses, I was about thirty yards off, and I saw Mr. Walker's coach stopped, and that man at the coach window, put his hand into the coach window, and then into the Lady's left hand pocket twice; and understanding they were robbing the carriage, I unharnessed a horse and rode after them, they were about two minutes with the carriage, there was another man with the prisoner, but he was at a little distance with the footman, he made him dismount his horse; I do not know what he took from the coach, I rode after him as fast as I could, I did not get sight of him till rather better than a mile, or thereabouts; I kept in sight for forty or fifty yards together, and then by the turn of the hedges I was out of sight again; I got sight of both the men, they kept the road to Tottenham High-cross, and kept up a lane that goes to Mount-pleasant; they came back again the same lane into the road, I cannot tell why, but I imagine they could not get through; they went full speed as fast as they could into Tottenham town; when they came to some trees called the seven sisters, they turned to the left hand, and a gentleman desired me to go back, and up the next lane, accordingly I did and gave them the meeting in the road to the mill; the one went over the bridge and through a toll gate, this man could not get through, and he turned upon me again, and said, if I offered to stop him, or molest him, he would shoot me dead in a minute; I told him I did not want to stop or molest him, for I expected my death; and he said damn you, for what did you cry stop thief! because I alarmed the town, and cried stop thief all the way I rode; my horse at that time making a blunder in the water, and pitching his nose to the water, and I having no saddle was almost off, and at that time he rode by me into some closes, where he was apprehended and taken by some men that were out after him.

Who was the man that was taken?——That is the man in the red waistcoat that was taken; they tell us his name was Hurt, I am sure it is the man, his face was only covered up to his mouth.

Can you, at the distance of thirty yards, take upon yourself to swear to the face of a man that was partly covered?—I am sure it is the man, I was not quite thirty yards off, I speak at the farthest.

Mr. Garrow. What sort of hat had he? I cannot tell that upon my word, if I die for it, I do not know.

But you know very well what sort of face he had?—Yes, his face was covered with a black handkerchief, either crape or black.

How far was your cart?—My cart was about thirty yards off in a lane, it was just directly *anent* the carriage, the man put his hand to the carriage window, how far it went

went I do not know; I did not see what he took away, I saw him take his hand away; I was on the near side the carriage, the same side he was.

Then his back was towards you?——yes.

The persons whom you supposed stopped the carriage, went above a mile before you got sight of them?——Yes.

How many more turnings are there in the course of the road before you overtook this man?——I cannot tell that.

A good many lanes and bye-ways I believe?——Not that I saw.

Was you present when this young man was taken?—No.

Was you present when he was searched?——I was, I saw nothing found upon him.

Were there any watches found upon him?——I saw none.

Did you hear of any?—I did not.

What is your belief about it?——I saw none.

Were there any purses found upon him?——I did not accuse him of any, I do not know that there were any.

JAMES SMITH *sworn.*

I live at Tottenham High-cross, I heard the cry of stop thief, I went in pursuit, and I saw two men coming down the lane on horseback, and a man riding after them; the prisoner at the bar was one, the other person I do not know; they rode down the lane called the Broad-lane, Tottenham High-cross, I rode after them as fast as I could; one of them got through the toll-gate, and the other was stopped, he could not get through, and he turned back and rode into a little field just by the mill, and when he got into the field, he attempted to jump over three times, and he could not get his horse over, he had a pistol in his hand in the field, and he rode round the field to the little gate, and tried to pull it open as he sat on his horse, and he could not get it open, and he dismounted and went into the fields, and soon after he came and resigned himself up; he said he would resign himself up, if we would use him civilly; we took him to a publick house just by, and sent for a constable, and he took charge of him.

Mr. Garrow. Was you present when he was searched?—Yes: nothing was found upon him, only a handkerchief and a pair of gloves.

What sort of handkerchief?——A blue and white one.

FRANCIS WILLIAMS *sworn.*

I was at a little house on Tottenham-hill, and this gentleman and his partner came by, there were ever so many gentlemen after them, and we went after them, the prisoner went to the gates at the mill, and turned back, and could not get through, and jumped into a little field, and rode backwards and forwards there, and could not get over the hedge, then he dismounted, and run into a little lane, and I run after him and caught him.

Did you see him throw any thing away?——No, Sir.

Mr. Garrow. What was found in his pocket?——A pair of gloves and a blue and white handkerchief.

WILLIAM KNOWLES *sworn.*

All that I know, I picked up a pistol just by where he was taken.

THOMAS WHITE *sworn.*

I was at the White Hart, in Tottenham-lane, an alarm came of stop thief and highwayman; there was a gun in the house, and I took the gun and ran after him; I saw him at the top of the hill, where he staid a little while, and then he clapped spurs to his horse and came back, the gates were shut upon him, he could not get through, he saw me in the road with a gun, and he turned back over into some little fields, and his horse refused going over the hedge, and he turned round and came to me with a pistol and said, stand off; he turned his mare round again, and went to the same place as hard as ever he could drive, and his mare refused

refuſed again; he turned round and preſented his piſtol again, and ſaid, ſtand off; he then rode up the field again a little way, then he turned round, and went to the place again as hard as he could drive her, and ſhe refuſed again; then he took a circle round, and rode up in a little lane, and there he was taken; theſe are his two great coats he had on when he was taken. *(One great coat had a piſtol pocket.)* This coat was uppermoſt; he had a ſtick and a piſtol.

JOHN SMITH *ſworn.*

The priſoner came to Tottenham, I was at my father's yard, I only know about the taking him.

THOMAS DALE *ſworn.*

I live in Chiſwell-ſtreet, I keep a livery-ſtable, my horſe was let out laſt Tueſday week by my hoſtler, the priſoner Kenton, to Mr. Stubbs, as he informed me, I was not preſent, I enquired of him where the mare was, and he told me Mr. Stubbs, the breeches-maker had the mare, that was on the Wedneſday; I then made further enquiry, and aſked him where the mare was; and he ſaid, that upon account of the weather, he ſuppoſed Mr. Stubbs was not come home: I afterwards met Stubbs, and aſked him where the mare was; he ſaid he had it not. After the priſoner Hurt was taken, I went down and ſaw the mare at the Bull at Tottenham, the hoſtler ſhewed her to me.

Is any body here that was preſent at that time?—I believe Williams was.

Was that your mare?——Yes, it was.

Williams. The mare that the laſt witneſs looked at, at the Bull, was the mare that the highwayman had, I was at the taking of it, and I am ſure.

Court to Acſin. What horſe did this man ride?——The horſe that this man rode was a bright bay, with a ſtar in his forehead, I ſaw him again at Tottenham; it was a mare, it was the ſame mare, I am clear in that.

Mr. Garrow. Was you always clear that *that* was the mare?——Yes.

Did you always ſay ſo?——Yes.

Do you remember any converſation with Stubbs on Tueſday or Wedneſday laſt at Clerkenwell?——No.

Had you any converſation about the mare?—No.

Had you any about the man?——No.

Did not you tell Stubbs that you could not ſwear to the mare or the man either?—No, I did not.

Nor any thing like it?——No.

Dale. I have heard the coachman ſay that he could not ſwear to the mare.

Acſin. I can ſwear to the mare.

Court. Did you ever ſay you could not?——I did, Sir, once, I thought I could not, but I think I can now.

JOHN STUBBS *ſworn.*

I was in company along with the coachman when the bill was found, and the coachman was pleaſed to ſignify to me, that he ſaid that William Hurt when he ſtopped the carriage, had his handkerchief about his face, but whether it was black, or brown, or what it was he could not ſay.

Court. What do you know about this fact?—I know nothing concerning the fact any more than you do.

Did you hire a mare of the priſoner Kenton?——No, Sir, I never did in my life.

Were you bound over as a witneſs for the proſecution?—I told the Juſtice that I could ſay nothing about it, I was a meer ſtranger to any thing of the kind; Mr. Dale came to me and aſked me if I hired a horſe, I told him I did not.

Do you know the priſoner Hurt?—I know the priſoner Hurt, becauſe he was brought up in our neighbourhood, but I know nothing of this fact.

When was you firſt queſtioned about this?—I think it was the Wedneſday morning laſt, I met Mr. Dale cloſe by my own door, I live in Finſbury, Moorfields.

Was you ever taken up on this account yourſelf?——No, Sir, one of Sir Sampſon Wright's men came down to me, and acquainted me of it, and deſired I would go

to

to the office with him, which I did; I never hired a horſe of Mr. Dale but once, and that was to go in a cart to fetch ſome wood from Deptford.

Mr. Garrow. What was it that Ackſin ſaid about ſwearing to Hurt?—I was at the Crown, at Clerkenwell-green, we went to drink, and the coachman was in company, he was talking in what manner he was robbed, he ſaid the highwayman had a handkerchief upon his face, as high as this, *(up to the noſe)* I had at that time a handkerchief round my own neck, and he ſaid it was the colour of your's, but whether black, or brown, or not, he was not poſitive; he ſaid he had ſwore to the man, but as to the handkerchief, he could not ſay.

Mr. Garrow to Ackſin. What is your young maſter's name?—John Walker; I ſaw him give out a watch and purſe.

A metal watch?—I cannot ſay what ſort; I never had in my hand.

What did you ſee?—I ſaw it was not gold, I ſaw it was a metal watch.

Could you diſtern it was a metal watch?—It ſeemed to me to be a metal watch.

Court. What colour was it?——Almoſt the colour of gold.

It had the appearance of a metal watch?—Yes.

Mr. Garrow. You have ſaid, you ſaw a watch come out of your young maſter's pocket?—I ſaw it given out of his hand, not out of his pocket; I ſaw my young maſter put his left-hand out of the coach door, I ſaw ſome little more, ſome little part of his coat.

Will you ſwear it was his hand, and not Mr. Colliſon's?——Mr. Colliſon was not in the coach, Mr. Colliſon fell out of the coach.

Will you ſwear it was your young maſter's watch?——I am clear it was.

How are you clear?—I will ſwear it.

By what token?——My young maſter's watch was gone.

How do you know that, except by the information of your young maſter?—I cannot tell otherwiſe.

Was you nearer to the man's hand than you are to me?—Thereabouts.

Is this a gold watch or a metal one? *(Shewing him his watch.)*——I do not know.

Had you ever ſeen your young maſter's watch nearer than you have ſeen this?——Yes.

As near as that table?——I cannot ſay.

Court to Ackſin. Deſcribe a little more particularly about your maſter and Mr. Colliſon's getting out of the coach?—They got out of the coach at Mr. Colliſon's door; I was bid to ſtop, the firſt time I did not, I drove up to the gentleman's door.

You did not ſay a word about driving up to the door?—I drove up to Mr. Colliſon's door, who was in the coach, I drove to his door before I was ſtopped; he bid me ſtop before I came up to the gentleman's door, and I drove up to the door, thinking it would ſave us; I was twenty yards off.

Did he come up and rob the coach when it ſtood at the door?—Yes.

Why did you omit ſo very extraordinary a circumſtance as that?—I cannot tell.

Relate again now how the robbery happened?—I was coming along the road going into Southgate, the young man ſtopped me, and ſaid he would blow my brains out; I went up to Mr. Colliſon's door, and he followed me up and ſaid, I will blow your brains out; my maſter opened the coach door with his right-hand and ſlipped down, likewiſe Mr. Colliſon got out; the man then ſaid he would blow the lady's brains out, if ſhe did not give her watch and money, he had a piſtol in his hand and a ſtick.

Then your maſter and Mr. Colliſon were both got out of the coach?——Yes; my maſter hallooed out for a gun, but we had none; the other highwayman was down with the footman.

What at Mr. Colliſon's door?——Yes.

Whereabouts is the houſe ſituated?—Going up Southgate-hill: then after they had robbed the coach, I drove up the hill

to

to go home, and left my maſter and Mr. Colliſon behind.

What after they had been juſt robbed?—My maſter came acroſs the road, the two houſes are not two hundred yards apart: Mr. Colliſon and my maſter were both out of the coach before the young gentleman and my miſtreſs were robbed; I am quite ſure of that.

Court to Rand. Whereabouts was this coach robbed?——Juſt by Mr. Colliſon's door.

Why did not you ſay ſo?——That is the very place.

Mr. Garrow. My Lord, I take it that the Jury are at preſent to enquire into the fact of this indictment, which charges the defendant with having aſſaulted John Walker, &c. Taking it that the evidence in this caſe was free from all exception, it ſeems to me, with great ſubmiſſion, that they have not proved the facts neceſſary to ſupport this indictment: ſuppoſe they had laid it to have been a robbery on the perſon of Mr. Walker, and taking from him a watch, the property of a perſon unknown, and it had been proved to be his watch, or any other perſon's it would not have ſuſtained the indictment. According to the evidence, it proves no one fact which calls upon the priſoner to anſwer to the charge, and to fix the having made an aſſault: it depends in the abſence of Mr. and Mrs. Walker, and their ſon, and Mr. Colliſon, who are Quakers, and the footman, who it ſeems will not ſwear to the priſoner, though he is not a Quaker, it depends on the evidence of this Ackſin; firſt, as to the aſſault, ſays he, he came to the coach in which Mr. John Walker, and his father and mother, and Mr. Colliſon were; now what is the language of this threat? ſays he, he threatened my lady, that unleſs ſhe would deliver up her money, he would blow her brains out. My Lord, Is that a threat to Mr. John Walker? Take it that a perſon came to the coach, with the felonious intent of taking the goods of John Walker, and that he did not intend to take the goods of Mrs. Walker, or putting the caſe the other way, but on his applying the threat to Mrs. Walker, the ſon gives his goods; would your Lordſhip hold that was a threat to him? Now, my Lord, here is no property found on this man, here is none produced, not a ſingle article; then it reſts on the evidence of a man, on which it does not become me to make any obſervations. Says he, I ſaw the watch given out; ſays he, it was a watch with a worked caſe, by the which I ſuppoſe he meant a chaſed caſe; it is clear he did not mean to deſcribe the watch which is the ſubject of the indictment, for if there was a threat, the Jury muſt be convinced there was a taking by this threat of *a metal watch* from the perſon of Mr. John Walker: ſays the man, I do not know it was a metal caſe, otherwiſe than I was told; and in order to try it and to ſee whether the Jury can by poſſibility depend on the evidence of that man, I gave him my watch; why he cannot tell whether it is gold or metal, nor can the Gentlemen of the Jury: then, my Lord, is there evidence to go to the Jury on the indictment which charges this man with this ſpecific offence? I ſubmit there is not; and I ſubmit, that metal to this purpoſe is contra diſtinguiſhed from gold.

Court. You are aware of the general form of diſtinguiſhing it in the indictment, when contra diſtinguiſhed from gold, it is univerſally ſtated *of baſe metal*, then conſider whether the word metal is not a general word, compriſing all metals.

Mr. Garrow. My Lord, I take it to be a leading rule of all criminal law, that there muſt be certainty; if a man is charged with ſtealing a gold watch, he knows what he has to anſwer; but a man is charged by an indictment, that he had ſtole a metal watch, ſays he, I can prove gold or ſilver, but if they ſtate it generally metal, why I am to take in all the metals that ever were in the bowels of the earth. If it had been clearly upon evidence to be a gold watch, it would not have been a proper deſcription of it; and I contend, that the Jury cannot upon this in-

dictment have any evidence that can ſatisfy their conſciences, either that the watch was the watch of Mr. Walker, or that it was a a metal watch as deſcribed in the indictment.

Court. You have had ground enough in this caſe, Mr. Garrow, to intitle you, in point of law, to obſerve upon the evidence by a ſide wind, which you have done very ſufficiently. It is not in practice for the priſoner to know the preciſe charge againſt him; if it was, your objection would be deciſive, and it would be an unanſwerable reaſon why it ſhould be deſcribed, in which caſe it might be doubtful: but in this caſe, there is certainly evidence enough to go to the Jury, and it will be for them to decide, whether they are ſufficiently ſatisfied from the evidence of Ackſin, that this was Mr. Walker's ſon's watch, and that it was a metal watch; and he ſwears to his belief, founded on what he ſaw at the time, and theſe will be circumſtances for the conſideration of the Jury. But with reſpect to your firſt objection, I am moſt clearly and decidedly of opinion againſt you in point of law, becauſe I do not hold it neceſſary that there ſhould be a diſtinct and perſonal threat upon every one, but the ſtopping a coach with ſeveral perſons in it, is putting every perſon therein in fear. I ſhall leave it to the Jury.

PRISONER HURT's DEFENCE.

I was coming along, and I ſaw two young men coming along in full gallop, they rode by me, and one young fellow ſaid, come along; I heard the cry of ſomebody calling out, ſays one, the bailiffs are juſt going to arreſt me, one turned to the right-hand and one to the left-hand, and I turned down with them, and I went down the field.

Court. There is no evidence to put Kenton on his defence.

Mr. Garrow. I ſhall not call any witneſſes.

WILLIAM HURT, GUILTY, Death.
WILLIAM KENTON, NOT GUTILY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

256. The ſaid WILLIAM HURT was again indicted for aſſaulting Elizabeth Walker, wife of Iſaac Walker, on the 7th of January, and putting her in fear, and taking from her a gold watch, value 10l. a ſtone ſeal ſet in gold, value 20s. a ſilk purſe, value 1s. and 15s. in monies numbered, the property of the ſaid Iſaac.

And the ſaid WILLIAM KENTON was again indicted for aſſiſting, &c. &c.

There being no evidence they were

BOTH ACQUITTED.

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256. HENRY NASH was indicted for feloniouſly ſtealing, on the 9th of January, two linen ſhirts, value 2s. two caps, value 2d. two pair of cotton ſtockings, value 1s. one pair of thread ſtockings, value 6d. one table cloth, value 2d. one apron, value 6d. one pocket-book, value 2d. and one ſilk purſe, value 3d. the property of Jonathan Bradley.

JONATHAN BRADLEY *ſworn.*

On Sunday laſt, the 9th of January, between ſeven and eight, I was robbed of the things mentioned in the indictment, I live at No. 7, Broad-ſtreet, a young woman came to ſee me, and I went to light her down ſtairs, we were in the dining room, and as I came back I went into the back parlour, and found the things in the chair, and the priſoner in the room, I was going to put the key into the door, and he ruſhed out immediately upon me, I took him by the collar; when I put in the key the door gave way; the things were in the drawers before; the poker was very much bent, and the bureau at the top of it was broke, and two locks open; I took him to the watch-houſe myſelf, I was beadle of the night; I ſearched him, and found a knife upon him.

MARY BRADLEY *ſworn.*

I locked the door and the drawers, and had the key in my pocket, I came down juſt as my huſband cried thieves, I found the

the things in the chair, I left them locked up.

PRISONER's DEFENCE.

My wife goes out a waſhing, and ſhe had ſent me of an errand to ſeek for the woman, and I aſked a man to tell me of ſuch a perſon, and he ſent me to that houſe, and juſt as I got into the paſſage, a man ruſhed out againſt me, and ſaid I was a thief.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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257. JAMES GERROLD was indicted for feloniouſly ſtealing on the 6th day of January, one man's hat, value 5s. the property of Richard Banks.

WILLIAM WOOD *ſworn.*

I am a cordwainer, I went into the proſecutor's houſe in the little Minories on the 6th inſtant about five, for a pint of beer; about ten minutes after, the priſoner at the bar came in for a pennyworth of beer, and in about ten minutes after the people were all out of the tap-room but us, and I was ſtanding by the fire, and by the ſtaircaſe door was a hat, and the priſoner took the hat and put it under his left arm, he had an old canvas bag under his left arm, and he walked back again to the fire, and ſtaid half a minute, and went out of the back yard with it under his arm; I did not ſuſpect him juſt the moment he went out, but ſeeing Mr. Banks's coat hang, I ſuppoſed it might be his hat; I called the ſervant and aſked her, and told her the old clothes-man had taken it, I ſaw the priſoner taken with the hat under his left arm.

(The hat depoſed to.)

PRISONER's DEFENCE.

My Lord, I never touched the hat, I was about my own buſineſs, I always got my livelyhood by working hard; I have people to my character who know me.

The Priſoner called four witneſſes to his character.

GUILTY,

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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258. JAMES ELLIS was indicted for feloniouſly ſtealing, on the 12th of January, two keys, value 2d. and 2s. 6d. in monies numbered; the property of John Mead.

JOHN MEAD *ſworn.*

I am butler to Mr. Graham, in Lower Groſvenor ſtreet, I was in the pit paſſage going to Drury-lane, and the priſoner ſtood on the right-hand of me, he puſhed up againſt me, and catched his hand in my right-hand pocket, he took two ſhillings and one ſixpence; I caught him immediately, he ſaid he had not got it, but I could feel him take it, and he made away with it; the crow was very great, but there was no ſoul at my right-hand but him; a perſon along with me had hold of my left-arm; I am ſure it was the priſoner that joſtled me.

Priſoner's Council. Who are you?—I am butler to Mr. Graham.

If I underſtand you right, there was a very great crowd in the paſſage, and yet no man to the right but him?—No, there was a great crowd to the left.

Was the crowd all on one ſide of the paſſage?——I got to the right, having a perſon to my left.

Do you mean to ſay in ſuch a crowd as this, there was no man but this man?——I caught the priſoner's hand in my pocket.

Was there any crowd at all?——There was a great crowd.

Have you always ſaid that you caught this man's hand in your pocket?—Yes.

Did

Did you ſay ſo there?—I did, I am ſure I ſaid ſo there.

Did you let him go?—The conſtable ſecured him.

Did you not let the man go?—I let him go ſo far as the crowd puſhed him away.

Did you ever ſeize hold of him when he was near you?—I did.

Did you loſe the keys at the time?——I did.

You caught his hand in your pocket, but you did not catch the keys in his hand?—I did not, I could not get hold of his hand then.

Did not you repeatedly promiſe the man, if he would give you the keys you would let him go?——Yes, he ſaid he had not got them.

You let him go immediately?——I did not let him go immediately, I had hold of him a good while, I let him go to feel in my pocket, and it was turned inſide out; I felt to ſee whether I had the key left, as to the money, it was no object; I put eight ſhillings and ſix-pence in my pocket. The man never uſed any foul language.

Priſoner. I wiſh to know of this gentleman where the keys was found?——They were brought to me by the conſtable.

Priſoner. Were they found near the place where I was challenged?—I was not preſent.

PRISONER's DEFENCE.

The keys were found two hundred yards from me, I have ſubpœned the man who picked the keys up, and he will not come; this gentleman challenged me, he was going down with a lady, I happened to be of one ſide of him, he laid hold of my arm, halloo, ſays he, I thought he thought I was getting before, ſays I, what are you about, Sir, he immediately let me go to get a good place; he came after me again, and laid hold of me; ſays he, I have been robbed, and you muſt be the man, you was next me; ſays I, for God's ſake do not mention it; ſays he, give me the keys, ſays he, I will ſwear that you are the man, right or wrong; I aſked him what alarmed him, he ſaid my being next him: I was taken and ſearched, I had half a guinea, and two ſhillings and ſixpence, he ſaid he thought one of the ſixpences found in my poſſeſſion was his, and he could almoſt venture to ſwear to it; the Juſtice adviſed him not. When the man brought the keys up to the office, they were found at about two hundred yards from me; he ſaid, there is no occaſion to bind this man over. I have ſent for this man that found the keys, and have not been able to get him; it was above two hundred yards from where I was taken.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 12th of JANUARY 1785, and the following Days;

Being the SECOND SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE NINE-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

259. THOMAS SCOTT was indicted for feloniouſly ſtealing, on the 15th of December laſt, one head of a chaiſe, value 5s. and one cuſhion, value 3s. the property of Iſaac Francis.

GEORGE ATKINS *ſworn.*

I was going along Samſon's-garden, Wapping, and as I turned up, the priſoner had the head of the chaiſe on his ſhoulders, and another man with him; he was about two hundred yards from the proſecutor's ſtables, I aſked him where he was going with that, he made no anſwer; the other man run away from him: he ſaid he was going to carry it to Whitechapel; I told him he ſhould ſtop with me, and he threw it off his ſhoulders, I made him take it up, and he carried it into the field in Samſon's-gardens, where Mr. Francis's ſtables were, and opened the houſe door, and threw it down, I collared him and took him to Mr. Francis, he ſaid he picked it up in the field.

——— FRANCIS *ſworn.*

I am a butcher, this is my chaiſe head, and the cuſhion was in the ſeat of the chaiſe, I had not been home with the chaiſe above a quarter of an hour or twenty minutes, I had left it at my own door, and the man had taken it away.

PRISONER's DEFENCE.

I was at a public houſe, and a man hired me to carry it, he took me down there and gave me this head of a chaiſe to carry to Whitechapel; and when I was ſtopped, the man ran away, and Mr. Francis took up a piece of rope, and was going to hang me in the ſtables.

Court to Atkins. Is that true?——Mr. Francis was very angry, and he took up a bit of harneſs, and ſaid now I will take the law in my own hands, I will hang you, but I do not think he hurt the priſoner. The priſoner never ſaid that he had the things from any body.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

260. ALEXANDER FISHER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Benjamin Ward, about the hour of three in

in the night, on the 24th of December laſt, and burglariouſly ſtealing therein, one watch with a caſe made of baſe metal, and ſet round with paſte ſtones, value 11l. one other watch, value 11l. one other watch, with a caſe made of baſe metal, and ſet round with paſte ſtones, value 11l. one other watch made of baſe metal, and ſet round with paſte ſtones, value 11l. and two ſhagreen packing caſes, value 7s. his property.

A Second Count for that he about the hour of three in the night of the ſame day, being in the ſaid dwelling houſe, feloniouſly ſtole the ſaid goods and chattles, and broke the ſaid dwelling to get out of the ſame.

GEORGE ADDENBROOKE *ſworn.*

I know the proſecutor, I had a watch from my brother, which is the proſecutor's.

BENJAMIN WARD *ſworn.*

I am a watchmaker, No. 2, Norton Falgate; my houſe was broke open about three on Chriſtmas-day in the morning, my wife and daughter went laſt to bed, and faſtened the door, the keys were taken up ſtairs, that I am ſure of; at three I was alarmed by the patrol, I found my ſhop doors all faſt, I told the patrol I hoped nothing was loſt, and I faſtened the doors and thanked the patrol for calling me; I went up ſtairs again, and went down about eight in the morning, my apprentice went down firſt, he is not here; at breakfaſt time I miſſed the watches that lay on the mantle-piece in the little parlour, which I ſaw the night before; I ſaw four of them, I have one of them here, it is a double paſte watch.

WILLIAM BECKWITH *ſworn.*

I have a watch here which I had from the witneſs Addenbrook, on Wedneſday evening between five and ſix, it has not been in my poſſeſſion, my maſter has had it.

Proſecutor. It has not been out of my poſſeſſion, I received it from Beckwith, and I kept it till yeſterday, and then I gave it him again.

Addenbrooke. On the 27th of December about half after ſeven, my brother Thomas Addenbrooke came to me in the morning, and he ſaid George, I have found a watch, he gave it me, he is not here.

Where is he?——He was a priſoner till he was releaſed.

Beckwith. Between five and ſix on Wedneſday evening, the 29th of December, the priſoner came to our houſe, that was after the houſe was broke open, he ſaid he could inform us of the perſon that could give a diſcovery of the robbery, I went with him to the public houſe, there was his brother, we took him before Juſtice Wilmot, the priſoner declared in my preſence, that he gave the watch to his brother.

Court. But that brother is not here, to ſhew that was the watch he gave to him.

Proſecutor. I had another man taken up, that was releaſed by the priſoner's confeſſion; it was not ſigned, there was no pen, ink nor paper.

What did he ſay before Juſtice Wilmot?——He ſaid he concealed himſelf in the houſe.

Did any body tell him it would be the better for him to confeſs?——Not to my knowledge.

What was his inducement to confeſs?——It was open free confeſſion, he ſaid he concealed himſelf about ſix in the evening, in the cellar, and after the man was gone to bed, he went into the parlour, he heard ſome watches going, which lay on the mantle-piece, and that induced him to take them; he did not go into the ſhop, but wanted to go out, he then went out, and left the door open after him.

Was he threatened if he did not confeſs?——No.

Priſoner. I have to ſay as far as this, I was in bed and aſleep at my father's houſe, at half after eight that night, and did not get up till eight in the morning.

Court. I take it to be an eſtabliſhed rule, that confeſſion without ſome circumſtances is not ſufficient, unleſs he ſhould confeſs it again at the bar; if any of the property had been found about him, or he had been about

the place of the houſe at the time, or had had any knowledge of the place; but the mere confeſſion of a crime without any one ſingle circumſtance to corroborate it, is not ſufficient.

Proſecutor. He was a ſervant to me, and knew the way of the houſe, and knew the dog.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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261. JOHN MASON and JOSEPH REMNANT were indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of Luke Naylor, Gentleman, about the hour of eight in the night, on the 4th of October laſt, and burglariouſly ſtealing therein, one pink corded ſilk waiſtcoat laced with ſilver, value 11s. one pair of breeches, value 10s. one green and white ſilk waiſtcoat, value 20s. one ſcarlet cloth coat lined with ſilk, value 2l. 2s. one waiſtcoat, value 10s. one other waiſtcoat, value 10s. and one pair of black ſilk breeches, value 10s. his property.

LUKE NAYLOR *ſworn.*

My chambers were broke open on the 4th day of October, it is my dwelling place, I have other chambers at No. 6, I have no other dwelling houſe in town; I left them about ſeven in the evening, they are up two pair of ſtairs, the windows were down and the ſhutters ſhut, and the doors ſhut on a ſpring lock, not double locked.

How many rooms have you there?——Four.

Before you went out, did you ſee the windows all of them were down?——I was not in all the rooms, I went away about ten, and returned the next morning about ten; I found the door open, and when I came there, I found the hair dreſſer was waiting there, ſome clothes were about the floor, they appeared to me to have been dropped, there was a preſs that had been ſtripped of clothes, the key was in it, I will not be poſitive whether part of it was not open, I went immediately to Sir Sampſon Wright's and had it advertiſed, I could not immediately recollect half the things I had loſt, they were put in the hue and cry, I was juſt come from abroad, and my trunk of clothes was not come; in conſequence of the hand-bill a Mr. Brown, a pawn-broker in the Strand, came to me, I went to his houſe, and there I found a ſcarlet coat, it was pledged in the name of Ayrton of Beaufort-buildings; I deſired it might remain there till the perſon who brought it came for it, I made ſeveral other enquiries at another ſhop, but was not able to trace any thing further about the coat, till that day two months, I was ſent for by Mr. Brown to come to Bow-ſtreet, and there was the priſoner Maſon.

SAMUEL RENSHAW *ſworn.*

I live oppoſite Somerſet-houſe, Strand; I had two waiſtcoats pledged by the priſoner Remnant, the 25th of October, I know him by ſight, I do not know what he is, he pledged them in the name of John Lee, I am quite clear he is the man that pledged them, *(The waiſtcoats produced and depoſed to,)* there is no mark but their general appearance.

Mr. Peatt, Priſoner's Council. You ſaid juſt now, and I believe with great propriety, that you only know them by their general appearance, you know there are millions of yards of ſtuff the ſame that waiſtcoat is made of, and millions of waiſtcoats made in that manner?——Certainly, this ſcarlet waiſtcoat is worn much about as mine was, there is a ſpot of ink which mine had upon it.

ROBERT PAYNE *ſworn.*

One morning the 25th of October laſt, the priſoner Maſon pledged this coat at Mr. Brown's, to the beſt of my remembrance, that was between eight and nine; I am perfectly convinced it was him, I did not know him before, he told me his name was

was John Ayrton, and that he lived in Beaufort-buildings; on the Monday following which was the 1ſt of November, there came from Bow-ſtreet a liſt of the particulars that had been taken by theft; I ſaw this coat deſcribed, and I informed my maſter; after this my maſter went to Bow-ſtreet, where he had Mr. Naylor's addreſs; Mr. Naylor came and ſaid it was his, and tried it on, and it was agreed to be left at our houſe; and on the 23d of December laſt, John Maſon came to redeem the coat, I acquainted my maſter with it.

Was it the ſame perſon that pledged it?—It was, then he was ſtopped and taken.

Mr. Naylor. There was ſome paper round the buttons, with ſome of my writing on it, I am quite poſitive it is my coat.

Mr. Peatt. What writing was it, figures or words?——Writing at length.

How long before that did you ſee the coat?——The coat I had not wore for ſome time, I loſt ſeveral coats which I did not wear in common, but I believe this was there two or three days before.

WILLIAM BROWN *ſworn.*

I ſaw the man that came to redeem this coat, I ſtopped him and ſent for a conſtable to Bow-ſtreet.

PATRICK MACMANUS *ſworn.*

I took the two priſoners into cuſtody, and there were duplicates found on each of them, one of Mr. Price's duplicates, and one of Mr. Millar's, I found Price's duplicate in the pocket of Remnant.

Court to Payne. Does that relate to the two waiſtcoats you have produced?—Yes.

Millar. This is my duplicate.

Macmanus. I believe that other might not be out of Maſon's pocket, but the other I am ſure I took out of Remnant's pocket, but I might be miſtaken in the other.

Priſoner Maſon. You took but one duplicate from me?——Yes, I took three.

THOMAS BRUIN *ſworn.*

One pair of breeches I took from the priſoner Maſon, on the firſt of November; here is a coat pledged by Maſon, I knew him before by the name of Maſon, he pledged theſe in his own name; here is a waiſtcoat that was pledged on the 30th of October, I am ſure the coat was the 25th of October, and pledged by Maſon.

Mr. Naylor. I know the waiſtcoat and breeches, I had the lace made on purpoſe, and the buttons and the coat I am pretty ſure of, I cannot ſwear to the black breeches; theſe things were in the out room on the night I went out,

Where is the hair dreſſer that you found?——He is gone away, I had no ſuſpicion of the hair dreſſer at all; Remnant was clerk to Mr. Cracraft, the attorney.

What is Maſon?——He did live with Mr. Cracraft, I believe he is the ſon of an attorney, and clerk to an attorney; Remnant opened the door, ſays I, your name is Remnant, and there was a woman there, and I ſaid you are his mother, he ſaid no, upon the duplicates being found upon him, he knew where the ſhop was, the people at the ſhop ſaid, they knew him very well, and ſhould have taken a gold watch from him.

Mr. Peatt. The writing was upon thin paper?——Yes.

The ink ſpread a good deal?——Yes, but I know it was mine.

Mr. Peatt to Mr. Millar. Where have theſe waiſtcoats been ſince the time that you took them in?—In the warehouſe.

How do you know that?——They have not been brought down ſince the 25th of October laſt; I know they are the ſame waiſtcoats I took in of Mr. Lee, I have no other waiſtcoats of the ſame kind that I know of.

Were they the ſame tickets?——The duplicate that is pledged in the name of Maſon was found upon Remnant.

Maſon. There has been ſeveral arts and menaces made uſe of by Macmanus to get confeſſions from Remnant.

Court. They have not been made uſe of.

SAMUEL LEE *ſworn.*

I am an attorney, I took the priſoner Remnant laſt Eaſter was a twelvemonth, he behaved very well, he has been with me ſince that, till the taller priſoner came after

him very much, and I was not pleased; I know nothing of him but perfectly honest, he has received money for me at various times.

The prisoner Remnant called six other witnesses who all gave him a very good character.

The prisoner Mason called two witnesses, who gave him a very good character.

BOTH GUILTY

Of stealing to the value of 39s.

Each to be transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

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262. JAMES FLINDER was indicted for feloniously stealing on the 6th of January, one silver shoe buckle, value 2s. 6d. the property of William Cordy.

——— BAXTER *sworn.*

I am servant to the prosecutor, I saw the prisoner come into my master's shop, it is a pawn-broker's, No. 79, Snow-hill, I was standing at the window on the 6th of January, a little after three, and saw the prisoner put his hand into the show glass, and take a buckle; I directly run after him, and brought him back, and he put it on the counter.

Prisoner. A boy came by and dropped it.

The Prisoner called three witnesses, who gave him a good character.

GUILTY, 10d.

Privately whipped.

Tried by the London Jury before Mr. Justice HEATH.

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263. ANN RAWSTON was indicted for feloniously stealing on the 15th of November, one silver tankard, value 5l. one silver waiter, value 3l. one silver milk pot, value 10s. one silver gravy spoon, value 10s. five silver spoons, value 20s. one shirt, value 5s. two pair of sheets, value 20s. one table cloth, value 20s. the property of Richard Walford.

RICHARD WALFORD *sworn.*

I am a brewer, the prisoner at the bar lived with me about three years; on Monday morning the 15th of November, I first missed the things mentioned in the indictment, they were articles of plate used in my family; I saw two table spoons wrapped up in one of my handkerchiefs on the table in the parlour, I had some conversation with the prisoner.

Mr. Garrow, Council for the Prosecution. Had you previous to that conversation made any promises to her?——I did with a view she should discover her accomplices.

Then did you do any thing in consequence of her information?——I made a discovery of some linen from that information, I found a sheet and a table cloth at a public house in the neighbourhood, the sign of the Pitt's head, the corner of Old-street-road; in consequence of her examination, I examined the box and I found a duplicate, I did not know what it was, she said, it was what the pawnbrokers used; I applied to a pawnbroker's in Fan's-alley, and found nothing.

Have you at any time since found any of your property in any body's hands?—Yes, two spoons in the custody of a pawn-broker in Old-street, his name is Hoskins.

Mr. Silvester, Prisoner's Council. These two spoons, found at Hoskins's in Old-street-street road, was in consequence of the confession of the prisoner?—One of of them was, I should not have found out where it was without the duplicate which I found in her pocket.

The woman told you that one of the spoons was pawned at the pawn-brokers?——I went to search for a tea-spoon, and found a table-spoon.

The confession was obtained under promises that you would excuse her?—No.

Whether there had not been something from you to induce the woman to confess this?

this?——I took a great deal of pains with her, I had a great reſpect for her, ſhe did not tell me till after two ſpoons were taken from her by force.

In conſequence of your good opinion of her, did not ſhe remain at large, and might have abſconded for two or three days?—I had an exceeding good opinion of her.

JAMES HOSKINS *ſworn.*

I am a pawn-broker, I live in Old-ſtreet, I have a table ſpoon, I received it I believe from the priſoner, I lent her ſix ſhillings on it, and gave her the duplicate, which was afterwards produced to me by M. Walford, I am ſure it was the priſoner, I lent her ſix ſhillings.

Mr. Silvefter. That is more than the value?——No.

Did you make an entry in your book?——I did.

Then you ſpeak from your book?——I ſpeak from what I know.

Then you ſpeak without book, you never ſaw the woman before?—Yes, many times, I recollect all theſe circumſtances very well.

You have very little buſineſs?——I have a great deal of buſineſs, I recollect this perfectly well, becauſe the duplicate is in my hand now, I am poſitive that the woman pawned this ſpoon; I do not ſuppoſe any body was in the ſhop that ſerved her but myſelf.

(The ſpoon depoſed to, marked R. W.)

BENJAMIN BOTTOMLEY *ſworn.*

I am a pawn-broker, I have two ſhirts, I received them I believe from the priſoner; I ſee by my writing I took in one, but it is above a year ago, it was the 5th of December, 1783, in the name of Ann Ryſon, I took her to be an ale-houſe keeper's wife, in Old-ſtreet; I believe it is the priſoner at the bar, I really believe ſo, I have no doubt.

When was the laſt taken in?—The 15th of December, 1783.

Proſecutor. This is a ſhirt of my brother's, and this is mine.

Priſoner. I know no more of the robbery than you do.

The priſoner called three witneſſes to her character.

GUILTY.

To be impriſoned twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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264. ELIZABETH WELLS was indicted for feloniouſly ſtealing, on the 15th of December laſt, one braſs fender, value 5s. the property of Richard Gwillin.

RICHARD GWILLIN *ſworn.*

A fire happened behind my houſe on the 15th of December laſt, and burnt down my premiſes; I loſt a vaſt number of things that were ſaved from the fire, and not come to hand; I loſt a braſs fender.

JONATHAN REDGRAVE *ſworn.*

The proſecutor, and I, and another, went with a ſearch warrant, and found the fender at the priſoner's apartment.

Court. Is ſhe not a married woman?—I always underſtood her to be ſo.

Does not her huſband live with her?—He does in general, but at that time he was out of the way.

NOT GUILTY.

Tried by the London Jury before Mr. Juſtice HEATH.

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265. TIMOTHY SULLIVAN and JOHN BUTTLER were indicted for ſtealing one iron bar, value 6d. belonging to James Jones, affixed to a certain building belonging to the ſaid James.

JACOB

JACOB ARCHER *ſworn.*

I am an iron founder, on the 3d of January, my Maſter, James Jones, who lives in the Minories, was informed his ſhop in Wapping was tearing to pieces by a parcel of people, about fourteen in number; he deſired me to get a peace officer, and go and take them; I went with one Daniel Wingate, and I went into the ſhop, and caught the two priſoners in the fact of pulling the buildings down, and the reſt run away; they were all pulling down the building for fire-wood, and pulling the iron work out, I caught the young one Butler, with a piece under his arm, there were a dozen or fourteen of them, they all run away but theſe two; Butler dropped the bar and run away, he ſaid after, that he knew the bar, and had it from one of thoſe that were with him, I did not ſee Sullivan do any thing only looking about.

DANIEL WINGATE *ſworn.*

I went with the laſt witneſs, I ſaw Butler doing nothing, I caught him but he had nothing with him as I know of, I did not ſee him till after he was apprehended.

PRISONER BUTLER'S DEFENCE.

I was going to the office to get a place, I live at a public houſe, and the woman at the office has got money of mine, I was going through that place, I knew Sullivan by ſight, I did not know his name, I aſked him to come along with me, he bid me ſtop, I ſtopped for him and theſe gentlemen preſently came in, they chucked down a piece of iron cloſe by where I ſtood, and they took me.

Court to Archer. Do you know the iron? ——I know the iron, I tried it to the place in the hole where it was pulled out.

JOHN BUTLER, GUILTY.

To be confined to hard labour twelve months in the Houſe of Correction.

TIMOTHY SULLIVAN NOT GUILTY.

Tried by the London Jury before Mr. Juſtice HEATH.

266. RICHARD PAYNE was indicted for ſtealing on the 24th of December laſt, one tin kettle, value 2s. four gallons of lamp oil, value 8s. the property of George Cornute and William Forge.

ISSAC COMBE *ſworn.*

I am ſervant to the proſecutors, they are lamp-lighters, they contract for the parish of St. Clement Danes, on Chriſtmas-day me and one Bowers who is not here, took two kettles of lamp oil out of my maſter's ſhop, and carried them to the Spotted-dog, in Clements-lane, and ſet them down at the door, they had not been at the door ten minutes when I went to fetch them in, and they were both taken away; the kettle that is here, I found on the priſoner's head in Croſs-lane, St. Giles's, I held him and aſked him what he was going to do with it, it belonged to me, and I aſked him where the other kettle was, and he ſaid if I would let him go he would tell me; I told him he muſt go with me to my maſter, then five or ſix men came out and knocked me down, and reſcued him; on Chriſtmas-night I met him again at the bottom of the Fleet-market, I brought him with me to the Spotted-dog, and charged him with a conſtable, and he was committed; I took away the kettle when they knocked me down; here is my maſter's name on the kettle.

PRISONER's DEFENCE.

I ſaw the kettle ſtand and nobody by it, I took it up, this man ſays it was his, ſays I, how came it to be your's, I took it off my head and he collared me, ſays I, if you have it you may as well let me go.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Juſtice HEATH.

267. JOHN MARRIOTT was indicted for ſtealing, on the 15th of December laſt, one carcaſe of mutton, value 20s. the property of James Harwood.

JAME

JAMES HARWOOD *ſworn.*

I prove the property.

RICHARD MATTHEW *ſworn.*

I am ſervant to the proſecutor, I ſaw the priſoner come out of my maſter's cart in Milk-ſtreet, and he went towards the market, inſtead of going into the market he turned to the left, and went into Milk-ſtreet, and then turned up Robinhood-court, and I came back to Milk-ſtreet, and there I found him, he had a carcaſs of mutton on his ſhoulders, between five and ſix in the evening, I ſuſpected him, and aſked him where he was going with it, he ſaid it was his maſter's, I aſked him where his maſter lived, he ſaid, it was no buſineſs of mine, I took the mutton off his ſhoulders, and gave it to an acquaintance of mine, and we brought it into the market, that is all the account I can give of it.

Proſecutor. Every man has his own mark, this is my mutton.

PRISONER's DEFENCE.

When Mr. Harwood was before the Alderman, he ſaid he ſaw the ſheep before five, and miſſed it a little after five, I was hired to carry it.

The priſoner called one witneſs to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice HEATH.

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268. WILLIAM MASON was indicted for ſtealing, on the 12th of January, one marble mortar, value 5s. the property of Thomas Piper.

The priſoner was ſeen taking the mortar under his arm.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Juſtice HEATH.

269. DAVID BRATHWAITE was indicted for ſtealing, on the 27th of December laſt, ſeventeen ſhillings, and eightpence half-penny, in monies numbered, the monies of Thomas Norton.

THOMAS NORTON *ſworn.*

I am a carman; I went into a public houſe, the priſoner was there, the 27th of December, I went after my Chriſtmas-boxes, about eleven or twelve I ſet down and was rather ſick and comical, rather in liquor; and I found my bag go out of my pocket, I cannot ſay but I had been drinking a good deal that day; I do not know juſtly what was in the bag, I can ſwear to more than five ſhillings, and I can ſwear to the bag; I found it go out of my left hand pocket.

The PUBLICAN *ſworn.*

I keep a public houſe in St. Catherine's; on the 27th of laſt month, the proſecutor came into my houſe about a quarter before eleven, I imagine led in by one of his companions, very much in liquor, ſo that he could ſcarce ſpeak; he ſat down in a box and one of the women that is about, ſaid there is a man with a bag of money in his hand, I fancy he will loſe it, it is untied; I was buſy, but I told him to put his money in his pocket, he put it into his pocket, but which pocket I cannot ſay on my oath; I went into my bar, and in the ſpace of three or four minutes I heard the money fall about the tap-room, I went out and deſired him to pick up the money, and the ſailor who ſtood by as I knew to be a very honeſt man, picked it up and put it into the bag; after which he inſiſted on having it again, he took the bag and held it in his left hand, I perſuaded him to let me have it till he was ſober; I ſaw the priſoner eye the man very much, I kept my eye on him, the proſecutor had his money in his left hand behind him in my opinion, I do not think he put it in his pocket; then the proſecutor began to caſt and heave in a violent manner, then I believe he fell aſleep; in about five or ſix minutes after I went into

the tap-room, and I saw the prisoner crawling from underneath the table, I immediately asked him what he had got in his hand behind him, he set on the seat, and said what is that to me, or something to that purpose; I told him he had got the man's money, he said he would not give it me; I said, then soldier fetch an officer, I sent for an officer, and in the mean time the soldier was gone for the officer, he gave me the money, and said he picked it up.

Court. He might pick it up might not he?——Indeed to tell the truth, I believe he might, for the man was so much in liquor I do not believe he was capable.

Court to Jury. There is no pretence to charge the man with this, the prosecutor was so drunk.

Court to Prisoner. Be more careful for the future, let this be a caution to you.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

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270. THOMAS WILLIAMS was indicted for feloniously stealing, on the 4th of January, one watch with a metal case, value 20s. the property of Joseph Sommerville.

JOSEPH SOMMERVILLE *sworn.*

On the 4th of this month, in the morning, I lost a metal watch; I was at a house I was acquainted with in Piccadilly, I take it to be a house where the waggons put up; the prisoner followed me out of the house, and told me he would see me home, this was about a quarter before seven; I seemed to turn to leave him, I had not gone above two yards before he was along side of me, and told me he would see me home, he said I appeared like a gentleman, he would go home with me, and he was a gentleman's son, I told him by no means, I had but a very few yards to the house where I had been three years; there was a little court near Shug-lane, Piccadilly, there are two steps at the bottom of this court, and he came and took my watch from me openly, and attempted to run off with it, I stopped him immediately, he threw the watch behind him a matter of three yards, and the watch is all broke to pieces, I value the watch at twenty shillings.

PRISONER's DEFENCE.

I was drinking with this gentleman, in that house, we had two or three pots of beer together, and talked about coming home, this gentleman said it was almost time for him to go home.

Prosecutor. He was quite in a different company.

Prisoner. We came out of the house together, and we came about a hundred yards together, and he accused me of taking his watch.

Court to Prosecutor. What are you?—I am a gentleman's servant.

DAVID OWEN *sworn.*

I am a taylor, I have known the prisoner from a child, his father was a journeyman taylor and worked for me; the prisoner has worked for me these two last years, he always behaved as a faithful, honest, sober servant; he worked all the holidays, his only fault is getting in liquor; I will take him again this afternoon, I have the highest opinion of his integrity, I have trusted him repeatedly, and always found him honest.

WILLIAM VAUGHAN *sworn.*

I am a dealer in coals, I have known the prisoner between twelve and thirteen years; his father and mother lodged in my house, and he at the same time for six years; I look on the prisoner at the bar, at the time he lodged with me, to be one of the most dutiful, honest young fellows I ever saw.

WILLIAM DAWES *sworn.*

I am a coal-dealer, I have known him about

about a year and half, his mother and he lodged in my houſe; he is a very honeſt young fellow, but now and then he would get a little in liquor, but not often; a man called the day before his trial came on at the Old Bailey, and left word no money would do: I afterwards found out they had offered to make it up for money, the perſon that called at my houſe, ſaid, tell Mrs. Williams no money will be of any ſervice with regard to her ſon.

Court to Proſecutor. Did he ſeem in liquor at that time?——I cannot ſay.

Jury to Proſecutor. Was you in liquor? ——I had been drinking.

NOT GUILTY.

Court to Owen. I deſire you will take him with you?——I will, my Lord.

Court to Priſoner. I hope this will be a warning to you, never to get drunk again.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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271. MATTHEW HAWKINS alias CORNWALL was indicted for feloniouſly ſtealing on the 2d of January, thirty-two pounds weight of lead, value 2s. belonging to one John Tutt, then and there fixed to an empty houſe of the ſaid John Tutt, againſt the form of the ſtatute.

A Second Count for ſtealing on the ſame day, two iron grate-cheeks, value 8s. a bar value 10d. a rule, value 6d. twenty yards of garden line, value 4d. a bill with a wooden handle, value 6d. a piſtol value 6d. one ſmall bill, value 2d. his property.

WILLIAM FUBBS *ſworn.*

I am a gardener; I was at my own door on the 2d of this month, and I heard a noiſe at the houſe which is oppoſite to an empty houſe, which belongs to John Tutt, and I ſtood at a conſiderable diſtance, and I ſuſpected there were thieves; I got a man from the George to come over to this houſe, and we waited about ten minutes, I ſaw the priſoner come from the back door, he had nothing upon him but two ſmall keys, and a knife; we apprehended him, we went in after with Mr. Tutt, and found a quantity of lead laying within the door, and an iron grate and two cheeks, and a horſe-piſtol, and a bill-hook, and a garden line and rule; there was a bag that part of the property was in, and ſome part would not go in, we found theſe things within the door; he ſaid, he was a very poor man and in diſtreſs, and came into this houſe to lay down and refreſh himſelf; and there is a ſhed behind the houſe belonging to it, with pea-ſtraw in it; he ſaid he laid there two or three hours before, and finding himſelf very cold, and ſeeing the houſe open came in there.

How came he to go out?—I cannot ſay.

Did you make a noiſe in going there, I ſuppoſe you went as ſilent as you could? ——Yes.

Was there pea-ſtraw under the ſhed? ——Yes.

What ſort of a noiſe was it you heard? ——I heard a noiſe at the top of the houſe, as if they were ripping off the lead.

What at the top of the very roof?——It appeared to me to come from the top, but I cannot ſay whether it was withinſide or withoutſide.

JOHN TUTT *ſworn.*

I am owner of this houſe, I went with the laſt witneſs and ſaw all theſe things there, the lead apparently came from under the ſill of the garret window; it correſponded with the other, there is a bill and a piſtol, I can ſwear to the piſtol, it was in the bag, I left it in the parlour window; there is the cheeks of the grate, and the garden line, they have been at my houſe.

Priſoner. Did not you ſay your houſe and premiſes were very much deſtroyed by the mob that went to ſee the Balloon at Chelſea?——The garden was.

PRISONER's DEFENCE.

I am a labouring man, I have been out of work in the froſt, I heard of a garden at Fulham that wanted work, I went paſt this houſe,

houſe, it ſeemed to be a ruinous place; I was much fatigued, it looked more like a hovel, I went and laid down for two hours and waked, whether by the cold or I laid too long; my friends chiefly lay in the country, I have reſpectable people, and I truſt to your mercy, if I have done wrong in laying down in that place.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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272. SARAH THACKER otherwiſe COOLEY was indicted for feloniouſly ſtealing on the 24th day of December, one copper crewet ſtand plated with ſilver, value 20s. three copper crewets plated with ſilver, value 18s. and two glaſs crewets, value 4s. the property of Thomas Aſhlin, privately in his ſhop.

THOMAS ASHLIN *ſworn.*

I am a broker, I loſt the caſters, I ſaw them five minutes before.

WILLIAM SEASONS *ſworn.*

I am conſtable of the pariſh of Clerkenwell, I keep a public houſe oppoſite the new Seſſions-houſe; on December the 24th, the priſoner came into my houſe for a pint of beer, with a little girl that was tried yeſterday for ſome lace; ſhe had a pint of beer, and in going out ſhe had a ſort of a ragged apron on, and I ſaw one of the feet of theſe caſtors hang out of her apron; I aſked her what ſhe had there, ſhe ſaid it did not concern me, I ſaid, I inſiſted on looking at it, ſhe refuſed, I put my hand in and the cruets were all looſe, and this handle out; ſhe ſaid ſhe was going to Cowcroſs to have the rims altered, or ſomething thing of that kind, and ſhe ſaid ſhe bought it of a woman coming along, who offered it her for two ſhillings; going to the Rotation-office I walked about a yard before her, and ſhe attempted twice to make her eſcape from me.

(The caſtors depoſed to.)

Priſoner. This I ſay, and it is God Almighty's truth, here I am before you all, there are two or three gentlemen that live in St. James's that have known me twenty years.

(Nobody appeared to her character.)

GUILTY

Of ſtealing, but not privately.

To be privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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273. JOHN BUTLER and JOHN TIMMINS were indicted for feloniouſly ſtealing on the 19th day of December laſt, ſeventy pounds weight of old iron, value 5s. the property of Benjamin Campion, Simon Golding, and Thomas Bolton.

The priſoner Butler was taken with the property upon him, and when he was taken he confeſſed the theft.

JOHN BUTLER, GUILTY.

Whipped.

JOHN TIMMINS, NOT GUILTY,

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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274. DENNIS SULLIVAN was indicted for feloniouſly ſtealing, on the 3d of January, one copper tea-kettle, value 8s. and one hat, value 1s. the property of Lazarus Meyor.

THOMAS LEE *ſworn.*

On the 3d of this month a fire broke out in Eaſt Smithfield, and the proſecutor's houſe I believe was ſome part on fire; I was going juſt within a yard of his houſe in company with the headborough, and the high-conſtable came and deſired him to give a good look out, and in a few minutes the priſoner

priſoner come out with a tea kettle full of hot water, and two hats on his head; the headborough and me followed this fellow for better than half a quarter of a mile, we thought he was going to leave the tea-kettle ſomewhere, at laſt he turned up Saltpetre-bank; he there turned about and ſaw us following him, and we ſtopped him and took the tea-kettle from out of his right hand, and the hat from his head, and he was committed; he ſaid he found the tea-kettle, the hat he ſaid was his own.

Priſoner. There is no bigger thief in the world than the witneſs, he has been tried for felony ſeveral times.

(The kettle and hat depoſed to.)

Priſoner. I am a ſtranger in London, I have been a ſeaman ſeven years on board the Bedford.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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275. WILLIAM ELLIOTT alias ELLARD was indicted for feloniouſly ſtealing on the 4th of January, one baſket, value 4d. and five pounds weight of butter, value 5s. the property of Joſeph Wilkins.

JOSEPH WILKINS *ſworn.*

I carry cheeſe and butter from Newgate-market to Iſlington, I live at Iſlington; on the 3d of January I loſt a baſket out of my cart, I ſaw the priſoner take it, it was about twenty yards from Roſe-ſtreet, in Newgate-ſtreet; it was laſt Monday was ſe'nnight, about twenty minutes before eight in the morning, he put it on his ſhoulders, I was ſtanding juſt by, he came behind and took it; I followed him about twenty or thirty yards to ſee what he would do with it, then I ſtopped him, and aſked him what he was going to do with it, he ſaid, he was going to carry it to a houſe in Newgate-market; I ſaid it was mine, and he dropped it, and he was ſecured, he never run away from me.

RICHARD CHILD *ſworn.*

I ſaw the priſoner carrying a flat of butter along the ſtreet, and I ſaw the laſt witneſs ſtop him, and aſk him where he was going with it.

RICHARD TILCOCK *ſworn.*

I am a conſtable, I apprehended the priſoner, here is the flat that was delivered to me at Guildhall by order of the Magiſtrate.

PRISONER's DEFENCE.

I came by and ſeveral people ſtood by the carts, and a man ſaid to me, having a little pain on my ſhoulders, ſays he, will you carry this for me, I ſaid yes, he ſaid take it up and I will give you two-pence; ſo I took it, and I had not got twenty yards before this man ſtopped me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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276. MARGARET FINNEY was indicted for feloniouſly ſtealing on the 7th day of January a quart pewter pot, value 18d. the property of Thomas Barnett.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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277. The ſaid MARGARET FINNEY was again indicted for ſtealing on the 7th day of January, one pint pewter pot, value 4d. the property of John Cox.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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278. SUSANNAH GODDARD and ELIZABETH PALMER were indicted for burglariouſly and feloniouſly breaking and

and entering the dwelling houſe of Francis Kain, about the hour of eight in the night, on the 9th day of December laſt, and burglariouſly ſtealing therein one linen ſhirt, value 5s. and one plain white muſlin ſhawl, trimmed with fringe, value 4s. his property.

FRANCIS KAIN *ſworn.*

I live in Angel Court, Biſhopſgate-ſtreet, on Thurſday the 9th of December laſt, after eight, my houſe was broke open, I was from home at the Waterſide about my buſineſs, I came home in the evening, I have a wife and ſervants and children, they were at my warehouſe, which is a little diſtance from my dwelling-houſe, my wife's aunt locked up the houſe, ſhe is not here, when I came home I found the door open, my wife was at home when I came home, but my drawers were moved, and all my wearing apparel, caſh, plate, and white bed quilt of the bed and dreſſing glaſs off the table, to a great amount were gone, we had nothing left but what we ſtood upright in; on the day following I made application to the officers, and they told me there was a ſuſpicious place near where I lived, I went there and there was a ſhirt of mine, and a ſhawl of my wife's there, and I found the priſoner there; the ſhirt was marked F. K. and the priſoner Goddard ſaid ſhe rented the room, when I was there ſhe was there, the other priſoner was not there at that time, ſhe ſaid Elizabeth Palmer brought it there.

Mr. Peat, Priſoner's Council. You found your wife in the houſe when you came home?——Yes.

And the doors were open?—Yes.

You knew the ſhirt when you ſaw it?—Yes.

JOHN WILKINSON *ſworn.*

I was informed that Mr. Kain's houſe was broke open, and ſome of the property was in the priſoner Goddard's poſſeſſion, in ſearching the houſe we found a ſhirt and a ſhawl, which the proſecutor ſwore to; I produced them, the other priſoner was taken by Juſtice Wilmot's people afterwards on the information of Goddard. (*The ſhirt depoſed to.*)

It had an F. upon it I ſaw, but the K. is cut out.

M. Peat. What is done with your old ſhirts?——I know it by the frill, it is a paticular ſtriped muſlin.

PRISONER GODDARD'S DEFENCE.

This young woman lodges with me, ſhe goes out to work, ſhe came home about half paſt eight, ſhe went to fetch me half a peck of coals, ſhe returned and ſaid look Sukey what I have found, I picked up an old ſhirt; ſays I ſure! the next day the gentleman came and took me.

The priſoner Goddard called three witneſſes, who gave her a good character.

SUSANNAH GODDARD, GUILTY

Of ſtealing the goods, but not in the dwelling houſe.

To be confined ſix months in the Houſe of Correction,

Tried by the London Jury before Mr. RECORDER.

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279. MARY SMITH was indicted for feloniouſly ſtealing on the 7th day of December laſt, one ſmall hair trunk, value 5s. the property of James Seaſons.

Robert Maltwood ſaw the priſoner take the trunk, and purſued her and took her.

GUILTY.

Privately whipped and confined twelve months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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280. LAWRENCE MULLEN was indicted for ſtealing on the 11th day of January, one carcaſe of mutton, value 2l. the property of Richard Chambers.

JOHN IDIS *ſworn.*

I am ſervant to the proſecutor, he is a Butcher, I loſt a carcaſe of mutton laſt Tueſday evening, I only ſpeak to the property.

MARY GREEN *ſworn.*

I watch the market in Whitechapel, the houſe was ſhut up about eleven, the conſtable came to me, and aſked me if I loſt a ſheep, I ſaid no, for I had forty-ſeven counted over to me, and I have forty-ſeven now, ſo that is right; in the morning I aſked my maſter the proſecutor, if he had loſt any, and when he had looked he found he had loſt it, before the goods were counted over to me at ten o'clock; I had often ſeen the priſoner loitering about the ſtreets and in the dead of the night he would come.

JAMES WILSON *ſworn.*

I ſaw the priſoner laſt Tueſday night, after ten; he paſſed by me with a whole carcaſe of a ſheep; I ſtopped him, and aſked him where he was going, he ſaid to the Black Horſe in Roſemary-lane, I took him to the Watch-houſe, and delivered him up to the officer of the night.

—— SHEPHERD *ſworn.*

I was the officer of the night, between ten and eleven, the watchman brought the priſoner and the carcaſe to the watch-houſe, he ſaid the man gave him ſix-pence to take it into Roſemary-lane, at the ſign of the Black Horſe, from Whitechapel.

(*A ſhoulder of the carcaſe depoſed to.*)

Idis. I am ſure there was one miſſing upon the whole, I ſaw a vacant hook when I gave the woman charge; it is called Norfolk mutton.

PRISONER's DEFENCE.

A man employed me to carry it.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice ASHURST.

281. SAMUEL BETHELL was indicted for feloniouſly ſtealing on the 6th of December laſt, two pair of mens leather ſhoes, value 2s. two linen ſhirts, value 7s. three muſlin neckcloths, value 2s. one pair of thread ſtockings, value 6d. one pair of worſted ſtockings, value 6d. two pair of cotton ſtockings, value 12d. one cloth coat, value 6s. one cloth waiſtcoat, value 2s. a gold and cotton waiſtcoat, value 10s. a horn ſnuff-box mounted with gold, value 20s. one volume of the Spectator, value 3d. one common prayer book, value 6d. one other common prayer book, value 3d. and ſeven guineas, value 7l. 7s. and nineteen ſhillings in monies numbered, the property of Thomas Buſh.

THOMAS BUSH *ſworn.*

I am coachman to Mr. Holland, in Harper ſtreet, I loſt the things mentioned in the indictment, I ſaw the money and ſome of the things about an hour before the priſoner helped in Lord Rodney's ſtables, the things were in my room over the ſtables, my money was in a little box, and a little canvas bag; the three books, and a pair of ſtockings were in the priſoner's pocket, when he was apprehended; I miſtruſted him, becauſe he abſented himſelf.

WILLIAM MEALAND *ſworn.*

I apprehended the priſoner, and took the three books and the ſtockings out of his pocket.

(*The things depoſed to.*)

Priſoner. I never ſaw any of the money.

GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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282. JOHN HORNE was indicted for feloniouſly ſtealing on the 29th day of December laſt, twenty nine pounds-weight of ſoap, value 10s. the property of John White.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

283, ED-

283. EDWARD BUNDY was indicted for feloniously ſtealing on the 7th day of January, fifty-ſix pound weight of molaſſes, value 10s. and one flint glaſs bottle, covered with wicker, value 5s. the property of John Pallatt, Robert Silverſide and Charles Midford.

The priſoner was taken with the property upon him. (Vide 234.)

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

284. WILLIAM CHILD was indicted for feloniouſly ſtealing on the 28th of December laſt, one coat, value 5s. the property of Thomas Hayden.

The priſoner was ſeen by Mr. Kayt, taking the coat out of the proſecutor's houſe, and apprehended immediately by the proſecutor, with the property.

Priſoner. A man dropped it, and I picked it up.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

MISDEMEANORS.

285. MARY DAVIS was indicted, for that ſhe, on the 4th of December laſt, one piece of falſe and counterfeit money and coin, made and counterfeited to the likeneſs and ſimilitude of a ſhilling, unlawfully, unjuſtly, and deceitfully did utter to one Joſeph Pincham, knowing the ſame to be falſe and counterfeited.

Another Count, for that ſhe had about her another piece of falſe and counterfeit coin, to the likeneſs and ſimilitude of a ſhilling, knowing it to be falſe and counterfeited, againſt the ſtatute.

The indictment was opened by Mr. James; and the caſe by Mr. Silveſter.

JOSEPH PINCHAM *ſworn.*

I live ſhopman with Mr. Flint, the corner of Eaſtcheap, I never ſaw the priſoner but once, that was on the 4th of December, about two in the afternoon, ſhe came in and aſked for three thouſand pins, about nine-pence a thouſand, they came to two ſhillings and three-pence, and ſhe gave me three ſhillings to change, I gave her nine-pence out of the three ſhillings; I put the three ſhillings in the drawer, and then ſhe aſked me to let her have three thouſand more of the ſame kind of pins, and a pound of thread, which ſhe had; the thread came to three ſhillings and eight-pence, and they both amounting to five ſhillings and eleven pence, ſhe gave me ſix ſhillings to pay for them, beſides the firſt three; when ſhe gave me theſe ſix ſhillings, I turned them, and perceived they were all of one head, and the faces of them all the ſame way, and all of one date as I thought. I ſhewed them to Mr. Allen, and he ſaid he thought they were counterfeits, and I ſtopped her; Mr. Flint deſired the woman to be detained.

What made you think them counterfeits? —I knew them to be counterfeits by ſcraping the edges of one of them, and they were all of the ſame coin.

What became of the woman afterwards? —The woman remained in the ſhop while Mrs. Flint ſent for a conſtable; the conſtable did not take charge of the woman, I cannot ſay why.

D

Did he refuſe to take charge?——The woman was ſearched in my preſence, I went with her and the conſtable up ſtairs, and when ſhe was ſearched in the counting houſe, they found no bad money upon her.

Mr. Garrow, Priſoner's Council. You take a great deal of ſilver, I have no doubt, Sir?—Yes.

You ſuſpected this to be bad, becauſe, as you tell us, the heads were all the ſame way?——Yes.

In the courſe of a day you take a deal of bad money?——We do. *(The money produced.)* It has been in my poſſeſſion ever ſince.

Mr. Garrow. Do you mean to ſwear that was the ſame money the woman gave to you?——So far as this, I am confident ſhe paid me three ſhillings the firſt payment, our family were at dinner, and Mrs. Flint always takes the money out of the till when ſhe goes to dinner, there was only one ſhilling in the till, and I put that three ſhillings to it, and I went to the other ſide to ſerve her with the other things, and when I took the other ſix ſhillings, one being in the drawer before, I would not be poſitive which of thoſe three it was that was good; but ſhe might give me one good one among the firſt three; the other ſix were never mixed with any other money.

Mr. Garrow. You ſay you take a great deal of money in the courſe of a day?—Yes.

Are you ſure they are the ſame?—I am able to ſay they were not changed.

ROBERT ALLEN *ſworn.*

I am ſhopman in this ſhop, I have known the priſoner Mary Davis ſome time before I ſaw this money; Mr. Pincham ſhewed it me, it was what I ſuppoſed to be bad; a ſilverſmith was ſent for, that examined the money in the preſence of the priſoner, that was after ſhe came to the ſhop, and bought theſe articles which Mr. Pincham has mentioned, and the money he ſhewed to me, ſaid I thought it was bad; it being ſo very well managed in the finiſhing part to appear as a good ſhilling, that Mrs. Flint thought it proper to ſend for a ſilverſmith.

Court. I ſhall not permit you to tell the opinion of that ſilverſmith.

Allen. The priſoner was detained in the ſhop till the conſtable came, I did not ſee her examined, I know of nothing paſſing up ſtairs.

Mr. Garrow. I will not aſk that laſt gentleman a ſingle queſtion; I ſhould never reconcile myſelf to trouble you, Sir, with giving an anſwer, it would fatigue you ſo exceedingly: good night to you, Sir.

SAMUEL VINES *ſworn.*

I am clerk to Mr. Vernon, I have ſeen all theſe ſhillings before, and I decided by day-light that they were bad, I can ſwear to them now.

You are ſufficiently acquainted with money?——I am perfectly clear that they are counterfeit money.

Mr. Garrow. You ſaid you had ſeen them by day-light, and you then decided they were all counterfeit?—Yes.

Now, Sir, if theſe had been given to you as change for money at the play-houſe, would you have taken them?—Certainly, I have taken much worſe.

And you are very converſant on the ſubject?——Yes.

However you have taken much worſe?—Certainly I have.

Court to Mr. Silveſter. From what circumſtance are we to infer that this woman knew theſe to be counterfeits?

Mr. Garrow. My Lord, I will ſave Mr. Silveſter the trouble by ſaying a word or two in a caſe that certainly does not require a word; for in order to convict the priſoner you muſt be ſatisfied of this, that ſhe, perfectly well knowing that theſe ſhillings were bad coin, and with a view to impoſe that ſhilling to the witneſs as a good one, ſhe did offer it to him in payment: Gentlemen, you have heard from every body, and even from that young gentleman, whoſe judgment I did not think fit to truſt to, and whom I did not

chuſe to trouble with an anſwer; and I am ſure that before the next Seſſions, if this woman is convicted on ſuch evidence, I ſhall not have the honour of attending this Court, for I am very free to acknowledge that this very morning to a hackney-coachman who brought me hither, I tendered ſome ſhillings in payment much worſe than theſe, and I truſt the Court will believe me, when I ſay I ſo tendered them without knowing they were bad: Gentlemen, I need not inform you, for his Lordſhip will do it much better, that it is not from the accidental circumſtance of a man's uttering two or three bad ſhillings in payment, or even from his having two or three more about him, that you are to infer he is an utterer of bad money, *knowing it to be bad*: Gentlemen, the puniſhment in this caſe if the priſoner is convicted, is, that ſhe ſhall lay in gaol for a year, and I am confident that there are none of us who have attended here, and who know the ſituation of that gaol of Newgate, who know the miſerable ſituation of the wretches that are confined there, that will feel any ſentiment but compaſſion, for anybody who has lain in a gaol only one night; and I am perfectly ſatisfied that you will not, you cannot, I am perfectly ſatisfied, that you dare not commit that poor woman, and that unfortunate infant, to have its education in the gaol of Newgate, on evidence on which every one of you, every man who now hears me, might long ſince have been committed to Newgate: Gentlemens in your hand, I leave the poor priſoner, perfectly well ſatisfied that your verdict will be an inſtant acquittal; I will not inſult you in calling any evidence, I will leave her in perfect ſecurity in your hands, and not ſay one word more to procure the acquital of a perſon, who certainly ought not upon ſuch evidence to have been brought here at all.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

286. JOHN PRING the younger was indicted for obtaining by falſe pretences on the 13th of December laſt, from one John Cookers, tallow chandler, three dozen of eights, three dozen of tens, and three dozen of twelves, for Mr. Pring of Kenſington, meaning for his father; and pretending that he was in the Exciſe, and ſurveyed Mr. Barclay in the Hay-market, meaning Alexander Barclay, and that he had recommended him to the ſaid John Cooker's, and that he ſhould ſend them to the Swan and Two-necks, to go by Mr. Barclay's cart; whereby he obtained nine dozen pounds weight of candles, value 3l. 15s. the property of the ſaid John Cookers.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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287. JOHN LANGRISH was indicted for wilful and corrupt perjury.

Thomas Pritchett was called on his recognizance, and did not appear.

Mr. Fielding of Council for the proſecution, thus opened the caſe.

Gentlemen of the Jury, you have juſt heard a perſon of the name of Thomas Pritchett called on his recognizance, he has not appeared; he was the perſon we wiſhed to get at; and I am afraid that the circumſtances of this caſe are ſo particular that it will be impoſſible to affect either the man at the bar, or ultimately to get at the great offender; the perſon at the bar has been abandoned by the man that has now abſconded himſelf; and I confeſs I am ſomewhat at a loſs, whether to look at the priſoner with indignation or approbation; with indignation for having committed this crime, by the inſtigation of the wickeder party, or with approbation for his open confeſſion of it: but however, I can only give evidence of his own aſſertion; I ſhall there-

fore be in the correction of the Recorder, whether that be or be not evidence ſufficient to meet that charge; if it be, then I ſhall proceed to ſtate to you the nature of this crime, and the manner of its being committed, to the prejudice of the proſecutrix.

Court. You open this with great fairneſs Mr. Fielding, and you apply to me; is not the proſecutrix herſelf a witneſs in the cauſe?

Mr. Fielding. My Lord, ſhe is an intereſted witneſs, inaſmuch as there will e a motion for a new trial.

Court. This proſecution is conducted with great fairneſs and propriety, and it is my duty to ſtate my opinion in the preſent ſtage of the buſineſs: therefore, if you have no evidence to diſprove what the defendant ſwore on the trial, except his own declaration that it was falſe; I am clearly of opinion that the Jury cannot in point of law find him guilty.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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288. JOHN STAFFORD ENGLISH was indicted for that he, on the 24th of October laſt, falſly did pretend to one James Roe, of London, cooper, that he was then engaged with Captain Rogers, to go on a voyage in the Auſtrian, Eaſt Indiaman, as the Captain's ſteward; and did then and there, falſly and deſignedly, aſk him to lend him his watch, that he might appear like a gentleman as he uſed to do, and would afterwards return the ſaid watch, to the ſaid James Roe; by which he did obtain of and from the ſaid James Roe, one ſilver watch, value 3l. one chain, value 1s. two keys, value 2d. and two ſeals, value 2s. his property, with intent to cheat and defraud him of the ſame, and that he afterwards pledged the ſaid watch for twenty-ſix ſhillings with one James Machin.

Court. This indictment ſeems to me, to contain no charge under the act of Parliament; it is not every idle tale, by which a man can prevail upon good nature, either to give or lend him money or goods, but it muſt be a pretence, which if true, ought to gain him credit; as if a beggar comes and tells me a falſe ſtory, if he ſays, he has a wife and ten children that are ſtarving; whereas in truth he never was married in his life: this proſecutor has nothing to do but to bring an action for the watch.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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289. THOMAS RAWBONE was indicted for wilful and corrupt perjury.

Priſoner. Before Mr. Silveſter opens the caſe, I deſire all the witneſſes may go out of Court.

Mr. Silveſter, of Council for the proſecution, thus opened the caſe.

Gentlemen of the Jury, this indictment ſtates that one William Anderſon, a creditor of James Tatler in the ſum of one hundred pounds, took out a Commiſſion of Bankruptcy againſt him, by the name and deſcription of James Tatler; and there was a meeting under that commiſſion, and this Thomas Rawbone then appeared as a creditor; and it became then a material queſtion, whether a bill of ſale had been executed by the bankrupt, and what was the conſideration of that bill of ſale; and Mr. Rawbone ſwore that he prepared the ſaid bill of ſale, on or about the 10th day of November, and that the conſideration money was paid by notes; and that the ſaid bill of ſale was executed by the ſaid James Tatlock at his houſe, either in November or December, then laſt paſt; meaning November or December, 1783; this fact is denied: the aſſignment of perjury is, that Mr. Rawbone did not prepare the bill of ſale; that the money was not paid by notes; nor

nor any conſideration paid for the ſame, nor was it executed at his houſe in November or December, 1783: this fact being ſworn by Mr. Rawbone, when the bankrupt came to his laſt examination, the whole truth came out; it then appeared that Mr. Rawbone firſt of all applied to the bankrupt, and endeavoured to ſerve him as an attorney and broker, and had ſold his effects, and Tatler on that acknowledged that ſo far from any bill of ſale having been given, in the manner or at the time he had ſworn; that this man came and over perſuaded him in the King's-bench, to ſign this bill of ſale, but that no conſideration was given for it: You ſee the perjury is very ſhort. the queſtion is whether the bill of ſale ſo produced by this man, was true or not: the commiſſion was iſſued the 9th of January, 1784; Tatler was declared a bankrupt the 21ſt of January, 1784, and afterwards Rawbone came to be admitted a creditor: This proſecution is carried on very properly by the aſſignees of that bankrupt; you are witneſſes to the groſs frauds that are frequently committed under commiſſions of bankruptcy, and it is high time that ſhould be done, and that men who are daring enough to come and prove that which never exiſted, ſhould be brought before a Court of Juſtice; and if this caſe is proved as I have ſtated it, I am ſure you will think it your duty to find the defendant guilty by your verdict.

THOMAS HODGSON *ſworn.*

I am an attorney, I am clerk under a commiſſion iſſued againſt James Tatler; the Commiſſioners declared Tatler a bankrupt; theſe are the proceedings.

Court. You have proved that the Commiſſioners declared him a bankrupt, you will now prove that he was ſo.

Mr. Garrow, Defendant's Council. My Lord, they muſt prove every ſtep that they have averred.

WILLIAM ANDERSON *ſworn.*

Mr. Garrow. Let him ſtand up before he is ſworn.

Are you at this time a creditor under this commiſſion, againſt James Tatler?—I am.

And you are not ſatisfied with your debt?—I am not.

Is there not at preſent an action brought for the value of the goods which were the ſubject matter of this bill of ſale, by the aſſignees, againſt the perſon who purchaſed under that bill of ſale? Is there at this time an action depending between the aſſignees of Tatler's eſtate and Mr. Freeman?—There is Mr. Freeman claims to recover the value of the goods that were conveyed away by that bill of ſale?—Yes.

Mr Garrow. Then your Lordſhip ſees, that whether that bill of ſale was a true one or not, is to be tried in that action, this gentleman is intereſted with others.

Mr. Silveſter. It does not alter it.

Court. It effects this man, ſuppoſing, as we are to ſuppoſe, we pay at leaſt that credit to a declaration of a commiſſioner to ſuppoſe, that this is not a ſolvent eſtate; the queſtion whether Mr. Anderſon ſhould or ſhould not get any part of his debt, muſt depend upon the iſſue of this trial; and a perſon cannot be an evidence to prove a fact in the eſtabliſhment of which they are intereſted.

JAMES TATLER, *the Elder.*

Mr. Garrow. Do not ſwear any of the witneſſes till I have examined them.

You have the misfortune to be a bankrupt Sir?——Yes.

Have you obtained your certificate?—No.

Mr. Garrow. Then there is an end of that; this man is intereſted; he is intereſted to ſwear for his creditors, in order to procure his certificate at their hands; he could not be called upon an iſſue at law to prove his own bankruptcy; he cannot be examined to any ſtep that will eſtabliſh his bankruptcy, or increaſe his intereſt.

JAMES TATLER, jun. *ſworn.*

Mr. Garrow. How old are you?——Fourteen.

I am afraid you are not a creditor of your father's?——No.

Do

Do you know the nature of an oath?—Yes, to ſpeak the truth, and nothing but the truth.

Mr. Silveſter. What was your father, my boy?——A coach-maſter.

Did you know a Mr. Anderſon?—Yes, one of our creditors.

How much did your father owe him?—I believe it was a hundred pounds.

You uſed to take him ſome money ſometimes, did not you?—Yes.

Was your father at home before he was made a bankrupt?—At the King's Bench, I believe he was there a fortnight before he was made a bankrupt, it is ſuch a long while ago I cannot juſtly ſay.

Mr. Garrow. Now my little lad, do you know how much Mr. Anderſon owed your father?——I do not know that he owed him any thing.

But you do not know he did not?—No.

How often did they ſettle accounts?—I do not know.

Did they ever make any balance of their accounts?——Not that I know.

You only know I ſuppoſe what your father has told you?——No.

Mr. Silveſter. Did you carry him money backwards and forwards?——Yes, I heard my father ſay he was indebted to him above one hundred pounds.

Mr. Garrow. What was your father, my boy?—A coach maſter.

How many coaches did he keep?—He had two figures and three coaches.

Court. Did your father follow any buſineſs before the keeping his coaches and horſes?——No.

SAMUEL SATCHER *ſworn.*

Mr. Garrow. Are you a creditor of Tatler's?—Yes.

Does he owe you any thing?—He did owe me ſome wages.

How much is it?—I cannot ſay, I have had a trifle, it may be about three pounds.

Mr. Garrow. You may go home.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

NUMB. II. PART V.

200. RICHARD CARROLL (a blind boy) was indicted for that he, on the 7th of September laſt, in the gaol of Newgate, did make an aſſault on one John Stockton, and with a certain knife, which he in his right hand had and held, unlawfully, wickedly, wilfully and maliciouſly did ſtrike and cut him on the left ſide of his belly, and thereby gave him a wound of the length of ſix inches, and of the depth of half an inch; whereof he continually labours under great pain and anguiſh.

A ſecond count, charging him as a common aſſault only.

JOHN ROBINSON *ſworn.*

I am here for piracy, I have not been tried; the 7th of September at night, one of Mr. Akerman's ſervants came to lock us up, and this blind Dick was making a noiſe, I told him, ſays I, Dick you are always making a diſturbance in the ſick ward; I am in the ſick ward; with that he ſays to me, what buſineſs have you with it; and he ſhoved me on a bench, Stockton ſat by me, and Dick pulled Stockton from me, and when I turned round, I heard that Stockton was cut, I did not ſee him do it; I heard the people that were in the ward ſay he was cut, and I went up and ſaw he was cut.

Did you ſee any body have a knife in their hands?—I did not ſee the knife in his hand, nor the perſon that cut him.

Do you know, of your own knowledge, who cut him?—I cannot ſay that it was the priſoner that cut him, I ſaw no knife in his hand afterwards.

Did you hear him ſay any thing?——I did not hear him ſay that he had a hand in it; he ſaid that he was ſorry for what he had done; the knife was found under the bed; when I knocked him down, I did not ſee him throw it away.

Was he told what he had done, did any body tell him?——Yes, they told him he had cut Stockton, and he ſaid he was very ſorry that he had cut him.

——— PITT *ſworn.*

When I went up into the ward after

looking about I ſaw blind Dick ſtanding up, and the man ſitting down, and I thought he would have died every minute, I ſaid, villain, what have you done! do you know you have murdered a man? ſays he, I am very ſorry I have cut him, he was the beſt friend I ever had in my life, he owned the knife afterwards, he owned he had cut him.

Priſoner. I am almoſt ſtarved, and whatever puniſhment you pleaſe to inflict upon me, let it be in a place where there is better living.

GUILTY.

Court to Priſoner. You have been twice capitally convicted: let him be fined one ſhilling and impriſoned two years in Newgate.

Tried by the London Jury before Mr. RECORDER.

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291. THOMAS, otherwiſe THEOPHILUS BELLIS was indicted for that he, contriving and intending to procure the eſcape of one John Daly, in priſon for debt in Wood-ſtreet Compter, did bring and deliver, and cauſe to be delivered to the ſaid John Daly, twenty pieces of twiſted and knotted cord, and one iron crow, to the intent and purpoſe that he the ſaid John might be able to make his eſcape from and out of the ſaid priſon, and that in purſuance of the ſaid contrivance and intention, and by means of the ſaid cord and crow, the ſaid John Daly, on the 17th of July, did eſcape out of the ſaid gaol, and that he did aid, abet, comfort, and aſſiſt him to make his eſcape out of the ſaid priſon.

THOMAS HILL *ſworn.*

I am clerk in the Sheriff's office, I act for the ſecondaries, I have a capias.

Court. What is the date?——The 7th of June, 1782.

Produce the Sheriff's court paper?——It iſſued on Saturday the 8th of June.

Do you know Daly?——I have ſeen him.

Who was the Sheriff for Wood-ſtreet Compter?—Mr. Nicholſon; I charged him with an eſcape warrant.

When was he taken?—I am not ſure.

——— KIRBY *called.*

Priſoner. I beg to object to Mr. Kirby's being examined, I wiſh to aſk him a queſtion firſt: is not this proſecution carried on at the expence of the city?—No, at my own expence.

Have you any intereſt in the event of the proſecution?——None in the world.

Is the effect of it to diſcharge you from any ſuit on account of this eſcape?—There is no ſuit depending.

Court. Then Mr. Kirby has no intereſt in this proſecution.

——— KIRBY *ſworn.*

I am keeper of Wood ſtreet Compter, I remember Daly being in my cuſtody under the Sheriff's warrant and many more plaints; he was firſt brought to my cuſtody on the 10th of June, 1782, as appears from an entry in my book, I have an extract of it; I remember the priſoner, he was in my cuſtody at the ſame time Daly was; I think he was brought in on the 2d of July, I think the priſoner was in about four days, till the matter he was charged with was ſettled; the priſoner frequently viſited Daly after his diſcharge, I gave ſtrict charge that Daly ſhould be taken great care of, I was ſuſpicious of him, and the night before his eſcape, which I think was the 16th of July, one of my men locked him ſecurely in his room, which was pretty nearly over where I lay up two pair of ſtairs, looking into Wood-ſtreet; the next morning he was gone. My man Butt can tell you that I had two more witneſſes, King and Tanney, one was the turnkey, and the other a watchman, and they are both dead; I have the ſmith here, I thought that room the ſecureſt in the houſe: the priſoner went to Oſtend.

Priſoner.

Priſoner. Whether Mr. Daly was taken on an eſcape warrant at Liverpool?——He was retaken in May following.

Did none of your priſoners eſcape out of this room before?—Yes, and it was afterwards made ſecure, I thought it the moſt ſecure room I had in the priſon.

SAMUEL LILLIE *ſworn.*

I am ſmith to the city of London, I know this room in Wood-ſtreet Compter very well, it was ſecured on the 16th of July, 1782, or a day or two before, which was the day he got out, with ſtrong dog nails three inches long, up and down, and bars to the windows.

Jury. Was the wood found that the nails were driven into?—I cannot ſay that it was altogether ſo ſound as I have ſeen ſome wood.

Did you at that time think it was ſecure?——I did.

WILLIAM BUTT *ſworn.*

I am one of the turnkeys to Mr. Kirby, I know this room, the priſoner took out the middle bar that Mr. Lillie had put there the day before.

Court. The middle bar was taken out?—It appeared to be drawn out by a chiſſel or ſmall crow, and laying in the room when I went into the room.

Jury. Then it was very inſecure, what length was it?——The nails were between three and four inches, and the crow eighteen inches; the wood was very ſtrong; it was a crow with a flat top. I was at Mr. Daly's room at eleven, he anſwered me, and about a quarter before one I was in the lodge, and I was alarmed by a watchman, that a cord was hanging down in the ſtreet; it was a cord tied by many knots, I thought it was not a cord ſtrong enough to let ſuch a man down, it was ſome cord tied together; we went and broke open the door, the cord was faſtened to one of the under bars, I found Mr. Daly was gone, and this bar laying on the floor; it was clear the man got out of the window by moving the bar.

Priſoner. Was it poſſible to extract the nails with a crow, becauſe it is charged in the indictment as a crow?—The edge of it was ſharp like a knife; Mr. Bellis was in the room twenty times before the bar was put up, he uſed to come every day.

JOHN DALY *ſworn.*

I was in Wood-ſtreet Compter.

Do you remember that young man coming to ſee you there?—Yes, different times, he was there a priſoner at the time I was there, he came to ſee me, but as for bringing me cord or a crow, he never did in his life; the cord was brought me by a man in St. Giles's, and the crow by a man that was there, that is gone to America, and he took the crow with him.

Mr. Silveſter. I thought you was a ſcoundrel before I called you, now you have convinced us of it.

Priſoner. I meant by my croſs-examination, to have brought out the ſame anſwer that he has given in Court.

Court. He would not have appeared in a very favourable light in coming againſt this priſoner.

Mr. Silveſter. To be ſure, as his friend ſerved him, he has ſerved his friend.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

The

The Seſſions being ended, the Court proceeded to give Judgment as follows:

Received ſentence of death, 11.

John Mills, Edward Payne, Joſeph Fitzpatrick, John Bruce, Thomas Brown, Ann Read, Joſeph Jeffs, Samuel Davis, James, otherwiſe William Walden, Thomas Till, and William Hurt.

To be tranſported for ſeven years, 27.

William Stugnell, otherwiſe Strugler, William Moor, otherwiſe Ranſmoor, Thomas Howard, Jeffery Aſhman, John Maſſias, Thomas Connor, William Teſtor, John Watſon, John Gooden, George Thorpe, John Thompſon, William Wild, Richard Sutton, John Williams, John Johnſon, Jacob Bellatt, John Evans, George Raymond, John Hart, William Elliott, otherwiſe Ellard, Lawrence Mullen, Henry Naſh, James Ellis, Edward Bundy, John Maſon, Joſeph Remnant, and John Marriott.

To be impriſoned twelve months in the Houſe of Correction, 4.

Elizabeth Morris, Mary Smith, Ann Roſton, and John Butler.

To be confined to hard labour ſix months in the Houſe of Correction, 4.

Sarah Thacker, Simon Sloper, Suſannah Goddard, and Elizabeth Palmer.

To be publickly whipped, 13.

William Taylor, Stans Stroud, George Clayton, James Smith, William Teaby, John Butler, Dennis Sullivan, Simon Sloper, William Child, James Gerrott, Thomas Scott, Richard Payne, and William Maſon.

The following perſons were called to the bar on the firſt day of the Seſſions, and received his Majeſty's pardon, on the following conditions:

Nathaniel Collier, to be tranſported to Africa for fourteen years.

Thomas Turner, John Barker, Ephraim Ephraims, William Brooks, and Richard Court, to be tranſported to Africa for ſeven years.

Richard Weſtwood, convicted at a former Seſſions, ordered to be tranſported for ſeven years, to be computed from the time of his conviction.

Sentence was reſpited on Richard Ilcq and Ann Jones.

*** The next Seſſions will begin on Wedneſday the 23d day of February, 1785, at the Old Bailey.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable SIR HENRY GOULD Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable FRANCIS BULLER, one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*Firſt Middleſex Jury.*	*Second Middleſex Jury.*
Thomas Allen	Richard Lawrence	James Manley
Thomas Williams	John Brewer	John Roper
Philip Vivian	John Pittaway	John Remple
Richard Moſs	Thomas Woollerton	William Ricketts
William Martin	Edward Hope	Richard Parry
Joſeph Monk	William Moſs	Thomas Ward
Thomas Oldfield	Richard Perrot	Edward Cunningham
Richard Hollier	Robert Bennet	Anthony Artois
Henry Duffield	Joſeph Roſe	John Williams
John Arnold	* Edward Oxley	Thomas Dawſon
Thomas Meek	Peter Browne	John Powell
Charles Dallard Jervis.	Thomas Young.	Henry Benſon.

* Joſeph Claridge *ſerved ſome time in the room of* Edward Oxley.

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292. PETER NEWBERY and WILLIAM IVERSON were indicted for feloniouſly aſſaulting John Lockell, on the King's highway, on the 26th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one tin box, value 2d. and two pieces of gold coin of this realm called guineas, value 2l. 2s. his property.

JOHN LOCKELL *ſworn.*

This Proſecutor being ſo ill as not to be able to ſtand up,

THOMAS SHELTON, Eſq; Clerk of the Arraigns was *ſworn* to relate his evidence truly.

He ſays, he had been at Chelſea to receive his penſion, he was an out-penſioner, he does not recollect the day he was robbed.

Court. What month was it, does he recollect that?——It was about three weeks ago, but he does not anſwer to the month, I have aſked him ſeveral times; he ſays, he lodges at the Blue-laſt, at Limehouſe, and on his return from Chelſea, after having received his penſion, he was attacked by the two priſoners.

Is he certain of the perſons of the priſoners?—He ſays, he knew them before.

What time of the day was it?——It was in the night, between ſix and ſeven.

Was it dark?—Yes.

How could he know the perſons of the priſoners if it was dark?——They were his bed-fellows at Limehouſe, he ſays, they attacked him in Ropemakers-field.

Did theſe men go with him to Chelſea?——No, they burſt out upon him at once.

From whence?——They were by the houſes, and the tall one Peter ſeized him by the throat, and ſtruck him with his elbow on his breaſt; and the other priſoner cut his trowſers pocket with a knife, and took away two guineas and a tin box.

Was there any thing in the tin box?—Two guineas, and a receipt where he fetched his penſion money from.

Did the priſoners or either of them know of his going to Chelſea?—Yes.

Had he any talk with them about it?—No.

How does he know then that they knew it?——He ſays, as they lodged with him, they knew very well that he was going to Chelſea.

How did they treat him after they had taken away his money and tin box?—He ſays, the tall one caught hold of his throat, and beat him very violently upon his breaſt with his elbow, and then the other cut his pocket and took his money; and then they both beat him againſt the wall and ran away.

Did they beat him with their fiſts or with a weapon?—With their fiſts.

What became of the man afterwards?—He ſays, he leaned againſt the wall, the blood guſhed a good deal out of his mouth, but he made a noiſe and called for aſſiſtance, and the neighbours came.

When were the priſoners taken?—The ſame night.

Did he ſee them the ſame night?—Yes.

How long after the robbery?——About half an hour.

How did he know that it was theſe two men as it was dark?—He ſays, when they came alongſide of him, he ſaw them as plain as he ſees me now.

Then it was not ſo dark, but he could tell who they were?——He ſays it was dark, but not ſo dark but he ſaw their faces, and ſaw them very plain.

Court. Had they any diſguiſe on their faces?—No.

Did they ſay any thing to him?—Not a word.

Has the tin box been found?—No.

When they were taken up about half an hour after, and he ſaw them, did he charge them at that time?——He ſays, he helped to take the firſt, and that he charged them both when they were taken, with having robbed him.

What did they ſay at that time?——He deſires to have a little time; he ſays now, that one of them ſaid, he had not got it.

Court. Let him be turned round in the chair, and ſee whether theſe are the two men?——He ſays, they are the two men.

HENRY HARVEY *ſworn.*

I am headborough of St. Ann's, Limehouſe, there was an hue and cry on the 26th of January, about ſeven at night, that there was a man robbed in the ſtreet, I went directly out of my houſe into Three Colt-ſtreet, Limehouſe.

How far is that from Ropemaker's-field?——It comes into it; and I ſaw the poor man

man, the profecutor, ſtanding up againſt the wall; I aiked him what was the matter, he ſaid, he had been robbed by two men, of a tin box and two guineas, and his penſion ticket, I then went away directly with a man to the priſoners lodgings; the profecutor ſaid, he knew both the priſoners very well, and called them both by their names.

Do you recollect what names he mentioned?——He ſaid, Peter was one, and Will was another; I went to the priſoners lodging directly, with a man that called me, to a place called Vine-ſtreet, at the bottom of Ropemaker's-field, and when I came to their lodgings there was no admittance, I underſtood the profecutor had lodged there, but did not at that time, but the priſoners lodged there then; I knocked at the door, but the miſtreſs of the houſe was a foreigner, ſhe anſwered me out of the window, and ſaid I ſhould not come in; then I went away and came back, and ſhe was coming down ſtairs to the door, and ſhe had opened the ſtreet door and I ruſhed in, and I ſearched the houſe and found a man and woman in the houſe.

Did you find either of the priſoners there?—No, I went back again to Limehouſe corner, between fifty and ſixty yards where the affair happened, and went into a public houſe, and I looked round the tap-room and there was the priſoner Peter, but I not knowing him, he paſſed me as I was drinking a glaſs at the bar, and he went into the ſtreet, and the profecutor was leaning over the poſt at the corner of the ſtreet, facing the public houſe, and he called out conſtable! conſtable! there is Peter, there he runs; I run after him directly, and he run through a narrow paſſage out of Fore-ſtreet, into Ropemaker's-field; he kept running on, but I loſt ſight of him, then he went into a little alley, but I took him about ten yards from his lodgings, where I had been to ſearch for him; the profecutor, and the man who called me to his aſſiſtance were leaning on the noſſil of a pump, the profecutor was bleeding: I brought the priſoner Peter to him, and ſaid is this the man you want? he ſaid this is Peter, and that is the man that took me by the throat; and I took him away immediately and put him in the cage, and then ordered the man to make a fire, and let the profecutor ſit by the fire, and the other man that came to my aſſiſtance told me where to find this man, the priſoner Will: I ſent to the conſtable of the pariſh for two more men, and went away directly to the lodgings of this Will, and they would not give us admittance for a great while, till at laſt I ſaid I would break the door open, after ſometime we got admittance, and the priſoner Will that ſtands here, was in bed, and another man with a woman in the middle of them; and we took him and put him in Shadwell watch-houſe, I took the priſoner that I had at Limehouſe up to Shadwell and they were all three put into the room, and the other little man that was in bed with him; and the profecutor the next day at the Juſtices pointed out theſe two men, he ſaid, he knew the other man, but he was not with them.

JOHN ORANGE *ſworn.*

I went with the laſt witneſs to the priſoner Iverſon's lodgings, and took him there, he was in bed; I believe it was about half an hour before we got in, I could hear them run up and down ſtairs, he was in bed with another man, and a woman between them; and I took and handcuffed them both together, and took them to the watch-houſe; I was the next day before the Juſtice, and ſaw the profecutor there, the two priſoners and the man that was in bed, the profecutor fixed on the two priſoners at the bar, the other he ſaid was not guilty; he ſaid he knew him, but he was not with them at that time.

THOMAS COLE *ſworn.*

I was with the two laſt witneſſes, I have no more to ſay than what I have ſaid, which is true; I was with them all the time.

Priſoner Newbery. I have nothing to ſay, here is a witneſs here, that can ſhew I am quite innocent, that I was at home at the ſame time.

ANN

ANN BACCHURST *ſworn.*

What I have to ſay, is, that I ſent a child for the priſoner Newbery at his lodgings, between ſix and ſeven on the Wedneſday evening, and he was at his lodgings; the child is here, the child came home directly, and the priſoner came home with the child to my houſe; he drove a horſe and cart for my huſband for ſome months, and we always found him a very honeſt man.

What did you want him for?—He ſent me word at one o'clock that ſame afternoon, that he could help me to a houſe in Ratcliff-highway, and I wanted to ſpeak to him about it.

What houſe?—A houſe in New-Gravel-lane, which I wanted to rent.

What Wedneſday evening was this?—This night this robbery was done, and he came with the child and ſtaid at my houſe till eight.

How come you to be ſo very exact about this hour?——I am ſure the clock ſtruck eight when he went away from our houſe, Limehouſe Church clock ſtruck eight.

Where do you live?—At Church-lane, Limehouſe.

How far is that from Ropemakers field?—Not half a dozen yards I ſuppoſe, down the lane where I live.

What is your buſineſs?——My huſband is a ſawyer, and keeps a horſe and cart, and he employed this poor man to drive it, and we never found any thing diſhoneſt in him.

What was the uſe of the horſe and cart?——To carry the ſaw-duſt about London, to bakers.

I think you ſay Newbery had worked for your huſband for ſeveral months?—Yes.

Was it a conſtant employ?——Three or four days in a week generally.

PETER GOODMAN *ſworn.*

I come for Newbery, he had been the whole day in the houſe, and never was out of it, till this woman ſent for him.

Was you there all day?——Yes.

How did you employ your time?—I deal in fire wood, he was ſawing all day for me, he ſawed and I chopped, I ſtood by him the whole day, I have followed that buſineſs ſince the laſt war.

What day of the month was it?——I cannot ſay the day of the month, it was on the Wedneſday, I never heard of the robbery before this gentleman came to my houſe.

How did this man and you employ yourſelves the day before?——We were in the houſe all day, we began from Sunday, and worked Monday, Tueſday, and Wedneſday, cutting fire-wood for the chandlers ſhops.

Did you and the priſoner dine together?——Yes, he dined with me, he had the ſame as I had.

ANN PARTIS *ſworn.*

The priſoner Iverſon is a lodger of mine, he has lodged in our houſe for three quarters of a year and better; I never knew any think at all amiſs of him of any kind, he has been a very good man ſo long as I have known him, he goes to ſea in general, but he is at home at preſent, and he was cutting up wood to ſend to the chandlers ſhop; we never heard any thing of the robbery, till they came to take him out of his bed, at half paſt eleven at night; they took another man along with him on ſuſpicion.

Did they lay together?—I do not know for that, I believe ſo.

Do you know any thing of a woman that was along with them?—Yes, there was a woman along with him, the priſoner's wife.

Do you know any thing whether they were all three in bed together?—I do not know, I believe ſo.

Do you know where the priſoner Iverſon had been?—He was at home all the afternoon, he was at home from ſix in the evening till eight.

Mind what you ſay, you ſay that he was at home at your houſe from ſix to eight that evening?—Yes, Sir, he was not out from ſix to eight.

How do you know that?—I am pretty ſure of that.

CATHERINE BERRY *sworn.*

The prisoner Iverson was in the house from six till nine, till the watchman went past nine, he lodged in the house nine months, and behaved very honest and just, and went to Greenland in the time.

Was you in the house when he was taken?—Yes, we were all in bed, I was in my own apartment, it was about half after eleven when they knocked at the door, and I believe he was out of the house by twelve, because they disputed some time.

ELIZABETH SMITH *sworn.*

I have lodged in this house almost sixteen months, I was in his company at half after six or rather better, and I went to bed and never saw him after; he was chopping up penny bundles of wood when I saw him.

Is the prisoner Iverson a married man?——I cannot tell, he lived in the back parlour.

Harvey. This man that came up just now, was the man that went to shew me where Iverson was.

Jury to Harvey. When you searched them, was any money found upon them?——I searched the first man, and found a large knife and four-pence halfpenny; in the waistcoat pocket of the other man we found a knife, and, I believe, three-pence.

BOTH GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice GOULD.

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293. JOSEPH HITCHCOCK otherwise CHURCH, JOHN MILES, and JAMES GRAY were indicted for feloniously stealing, on the 6th of October last, ten thousand ounces of silver, being dollars, and parts of dollars, value 2400l. three wooden casks, value 2s. one wooden box, value 12d. ten linen bags, value 5s. forty watches with two silver cases, and one out-side metal case covered with tortoise-shell, each of the said watches, value 40s. three other watches, value 3l. fifty-seven other watches, with two silver cases each, value 57l. one wooden box, value 12d. and one hundred other bags, value 2s. the property of Joel Goddard; being in a certain ship called the Elbe, on the navigable river of Thames.

The Indictment was opened by Mr. Garrow, and the Case by Mr. Silvester:

The witnesses examined separate at the request of Mr. Morgan, except the Captain and the Gentlemen of the Bank.

AUGUST BODDIKER *sworn.*

Examined by Mr. Garrow.

On the 5th of October, I remember 10,000 oz. of dollars, weighed out and packed up for the ship Elbe, they were in three casks and one box, they were packed up at the Bank, I attended them to the wharf, and delivered them to one Morris a lighterman at Porters-key, there were three casks and one box.

DAVID SAMUEL *sworn.*

I am a Jew merchant, I sent one box of watches on board the Elbe, it contained one hundred watches, and nothing else; I delivered them to Captain Goddard on Tuesday the 5th of October; they were different watches, some three cases, some two cases, some with enamelled landscapes, they were watches made for foreign markets.

EDWARD MORRIS *sworn.*

I am a lighterman, on the 5th of October, I received from Mr. Boddiker, three casks and one box, I delivered them on board the Elbe, to the mate and Captain Goddard; Mr. Goddard was there, I have the mate's receipt.

Mr. Morgan, Prisoner's Council. Did you know Mr. Boddiker?—Yes.

Had you ever seen him before?—Yes.

CAPTAIN JOEL GODDARD *sworn.*

I am Captain and commander of the ship Elbe, on the 5th and 6th of October, she lay off the Tower, on the 5th I received three casks and two boxes from Mr. Samuel and Edward Morris, and stowed them underneath

erneath my cabin in the ſtate room, I ought them to be as ſafe as the other part f my cargo; I left the ſhip on the 6th in e afternoon, ſhe was laying at her moorgs, we fell down to New Crane, we uld not get any further with the ſhip, d we moored her off the New Crane; I turned between ſix and ſeven, when I rerned, I miſſed the three caſks and two oxes.

PETER COLLINS *ſworn.*

I was on board the Elbe on the night of he 6th of October, between twelve and ne, three men came on board and came own to my cabin, their faces were blackd, I went and told the pilot and two offiers, I went into the ſtate room with the ilot, and I ſet down in the ſtate room and concealed myſelf, I could not ſee the men n the cabin, they ſtaid about ten minutes nd went away.

Court. Had you ever ſeen any of the priſoners before?—No.

JOHN EVANS *ſworn.*

I was an officer belonging to the Cuſtoms on board the Elbe, on the night of the 6th of October, between ſix and ſeven; I was upon my watch, and two men came into the cabin, and made a blow at me with the end of a boat hook about a foot long, they ſtruck at me twice; the other came down with a cutlaſs in his hand, and he came behind the other, and he ſaid cut him down, murder him, then I dropped; with that the man that had the cutlaſs, ordered me to turn my head between two coffee hogſheads, and put a piſtol to my head, and ſaid, if I turned my head he would blow my brains out, I was a dead man; with that the other came down, but I could not ſee as I was confined; the men went immediately into the ſtate room, and lifted out the barrels of ſilver, and hoiſted them from one to the other.

Did you obſerve the perſons of the two men?—I obſerved them as well as I could, but they came on a ſudden upon me; the firſt of them was a tall one, the other was a ſhort one, I do not know the men, their faces were blacked, they might be in the whole in the ſtate room about twenty minutes, or ſomething better; after they were gone, I went upon deck, and found my companion done up with a handſpike and a rope to faſten him down; and the ſailors were faſtened down with a handſpike corded down over the hatchway.

BENJAMIN WOLFE *ſworn.*

I know the priſoner Gray, on the 7th of October laſt, about nine in the morning; I ſaw Edward Payne who was convicted here laſt ſeſſions, and the priſoner Gray came to me in the city, to the ſynagogue, they called me out; Mr. Gray applied to me, and ſaid, if you will give me the ſame price that you agreed to give Payne for the dollars, you ſhall have them, I agreed for three ſhillings and eight pence apiece, the ſame I gave to Payne; in the evening I ſaw Gray at Mr. Brown's, in London-ſtreet, and he told me if I would call at his houſe I ſhould have them; accordingly I went by his appointment to his houſe, in Denmark-ſtreet, Ratcliff-highway, and received from him four hundred and ſeventy dollars; and I returned back a little time after, and went to Brown's in London-ſtreet, and paid Brown ſeventy-five pounds for Mr. Gray.

Did you ſee Gray afterwards?——I ſaw him a little while after, and I aſked him if he had received his money of Brown, and he told me yes; and then a little while after, he ſaid, if I would call for the remainder of his ſhare of the dollars at Brown's on Saturday night, I ſhould have the remainder; on the ſame evening I received twelve ſilver watches of Mrs. Gray, at Gray's houſe, and I gave him ten guineas for the twelve watches; on the Saturday night I went to Brown's, and received the remainder of Brown, being ſix-hundred and ninety dollars; a little while after I ſaw Gray at Brown's houſe, and I paid Gray ſixty pounds in payment for the ſix-hundred and ninety dollars, and the next morning I paid the remainder to Thomas Brown for Gray; when I received the watches of Gray's wife he was not preſent.

Court. Had you any converſation with Gray about the watches?—No.

Mr. Shepherd, Priſoner's Council. You was examined here laſt ſeſſions?—Yes.

You ſaid nothing about Gray being with Payne?—No, becauſe he was not in cuſtody.

Do not you recollect ſwearing that Payne came to you alone that morning?——Yes, he came alone at four in the morning.

But juſt now you ſaid that Payne and Gray came to you together, did not you ſay that Gray came a ſecond time alone?—No.

Did you give the ſame account before the Magiſtrate you have done here?—I ſaid, I had paid ſixty pounds.

Did you ſwear there that Gray came with Payne?—I made a miſtake and told Sir Sampſon I ſhould rectify it.

What did you ſwear the other day?—I ſwore before Sir Sampſon, that Gray came along with Payne.

What are you?—A tobacconiſt.

What ſort of a tobacconiſt are you to deal in dollars?——If a perſon can get a penny in an honeſt way.

What is the value of a dollar, Mr. Wolfe?—When I bought them they were worth four ſhillings and two pence half-penny, I was obliged to get a partner to do it, I could not find the money myſelf.

MOSES JOSEPH *ſworn.*

I know Miles and Church, I ſaw them in October laſt, on the 7th about eight.

Where did you ſee them?——At a public houſe in Jewry-ſtreet, one May Cook was with them; he told me there was a ſhip done with dollars, but they would not ſtir in it till the noiſe was over.

What does *done* ſignify?—I underſtood it was a ſhip that was robbed of dollars, they aſked what we would give apiece; my brother Solomons ſaid, he would give three ſhillings apiece, and they ſaid they could make three ſhillings and nine pence of one Wolfe.

Who did you pay the money to?——To Miles, a ten pound Bank-note; the next day, I told Miles my brother had ſent that ten pounds to him, concerning the watches my brother had of him.

Mr. Chetwood. You had no dealings or tranſactions with either of them yourſelf?——None at all.

BENJAMIN SOLOMONS *ſworn.*

I know the priſoners Miles and Church, I ſaw them on the 7th of October laſt, at the Cheſhire-cheeſe in Jewry-ſtreet; there were Joſeph Church and one May Cook, they ſaid, they did a ſhip of ſome dollars, and they would ſtir none till all was quiet, and then they would work them up; he aſked me and Joſeph, what we would give apiece, I told them three ſhillings, they ſaid, Wolfe gives three ſhillings and nine pence; we parted and ſaw them no more, but in the evening between four and five, I was ſent for by Dolfin and Miles to the Anchor and Crown, in Swan-ſtreet, in the Minories; and Dolfin ſaid, in the preſence of Miles, if I came down to the Old White Lion, in Gravel-lane, ſays Miles, I have a ſhare of dollars and watches, but I ſhall ſtir none of my dollars as yet; accordingly we went to the Old White Lion, and Dolfin gave Joſeph a handkerchief, containing three hundred and ſeventeen dollars; ſome watches were brought to my houſe when I was not at home, and I told Joſeph to pay Miles ten pounds, I believe it was a note for thoſe watches that had been left at my houſe.

Mr. Chetwood. You ſay May Cook and Church came to you at a houſe in Jewry-ſtreet?—Yes, at the Cheſhire-cheeſe.

Was this converſation in the tap-room?——Yes.

There he told you he had committed a capital felony?——Yes.

They muſt have a good opinion of you?——They told me ſo in the tap-room.

How many people might be by at the time?——I cannot juſtly ſay, we were in a box together.

But there were ſeveral people in the room?—There might, I was not a ſtranger to them.

Mr.

Mr. Morgan. Pray what are you?—I am a Jew.

There is very little doubt of that; what is your buſineſs?——I travel the country, and ſerve watchmakers with all manner of materials.

Do you deal in watches?——If I can buy them worth my money.

Where do you live?——In Woolpack-ally, Houndſditch.

Have you been long acquainted with the priſoners?—Not to exceed a twelvemonth.

I ſuppoſe that was ſome of your firſt dealings?——No, Sir, it was not.

Did you buy any of the dollars?——I bought ſome of Dolfin.

How much might you give him?——I bought them at the rate of three ſhillings apiece.

HANNAH DOLFIN *ſworn.*

I live in Old Gravel-lane, I keep a chandler's ſhop, and ſell fruit.

Look at the priſoners, do you know them?—Yes, I ſaw them in October laſt, I cannot recollect the day; but the laſt time I ſaw them, was the Sabbath day at night.

What o'clock did they come to your houſe?—They did not come to my houſe.

Where did you ſee them?——Joſeph Church and May Cook came to my door on the Thurſday in the afternoon, that was the Thurſday before the Sabbath day, they came and aſked me if John was within.

What next did you ſee?—I ſaw nobody after, nobody came to my houſe that day, nor never have been nigh my houſe ſince, to my knowledge; Jack Miles came there, juſt came in to ſee my ſon and went out again.

Did you meet any of them after that?—Yes, on the Sunday night after that, I met Joſeph Hitchcock and Jack Miles, at the foot of London Bridge, I cannot ſay the houſe; Hitchcock's mother came to my houſe, and aſked me to go a little way to ſee her ſon Joe, he had ſomething to ſay to me; and when I ſaw him, he aſked me how my ſon did, and they wanted me to go and tell him his property was found, and he ſhould have it.

What property?——That I cannot ſay, I did not aſk them; they ſaid, he ſhould have his property, and they would pay part of his expences, if he would not turn evidence againſt them.

What was he to turn evidence againſt them for, did they tell you that?——No, Sir, they ſaid, they were not affraid of any body but him.

Why were they affraid of him?——Becauſe he would turn evidence againſt them.

Mr. Chetwood. Do not gueſs, tell what they ſaid?——Joe Church ſaid, May Cook was a good little fellow, and that he truſted his life in his hands; that was all that paſſed that I can remember.

Did they ſay what property was ſafe, or where it came from?——No, Sir, not one word of that kind.

Mention the names of the perſons you ſaw on Thurſday morning?——The two firſt perſons I ſaw on Thurſday morning, were Ned Payne and James Gray, they came in the morning, and my ſon got up from breakfaſt, and went out and met them at the door.

Was any thing found in your garden afterwards?—One of Mr. Green's men came in in the morning, and found ſomething, but I cannot ſay what it was, I did not ſee it.

JOHN JOHNSON *ſworn.*

I know all the three priſoners, by working upon the river; the firſt time I ſaw them before this was at Dunkirk, about three or four months ago, it was in the winter, we dined together and ſpent the evening together afterwards.

What did they ſay?—I do not recollect any thing particular that they ſaid, they talked about dollars, and aſked us about one Payne, they heard he was in Newgate; I do not recollect what they did ſay about them rightly.

Why Mr. Johnſon, what did they aſk about Payne?—They aſked whether Payne

was taken up and put in Newgate for dollars, and we told them yes.

What did they ſay then?——I do not know, I did not charge my memory with it.

Did you know that Payne was acquainted with them?——No further than their aſking after him, I never ſaw him with them in my life, I knew Payne worked on the river.

Do you mean to ſay now, that upon your telling them that Payne was in Newgate, that there the converſation was at an end?—I do not recollect.

Did they ſay what they were doing at Dunkirk?—Not that I recollect.

How happened you to be at Dunkirk?—I carried over ſome gentlemen as paſſengers, I was two days in company with theſe people; I do not recollect they aſked me any queſtions about the dollars, I do not recollect what they did ſay they came there about.

Had you any converſation about ſhips or the river Thames?——I cannot ſay we had, they were no acquaintances of mine, we had no converſation about the ſhip Elbe, or the ſhip that had been robbed; I do not recollect any particular circumſtance that paſſed; upon my oath, I do not recollect any thing more than I told you.

And you never ſtated that you recollected any thing elſe?——No, Sir.

Mr. Shepherd. This was a ſubject of univerſal converſation upon the river?—Yes.

It was very well known that a man of the name of Payne was taken up, was not it?——Yes.

THOMAS JACKSON *ſworn.*

I am a waterſman at Graveſend, I never was at Dunkirk but once; about three or four months ago, I was in company with theſe three young men, and John Jackſon was in company and another man who is not here.

What paſſed?——I do not recollect.

Tell us what you can recollect?—I did not take particular notice, I was not quite ſo ſober then as I am now.

Did you aſk them what they did there?——No, Sir, there were ſeveral words paſſed, ſeveral of them were talking about dollars, that they took them down the river and where they ſhared them.

Who were talking about that?——The three people I ſaw at Dunkirk.

What did they ſay about them?—I did not hear them ſay what houſe they took them to; I heard them ſay they ſhared them.

How many ſhared them?——I did not aſk them, I do not remember they told the number.

Did they tell you any thing particular how they were dreſſed?—No, I was ſaying to them, that I heard their faces were blacked when they entered the Brig; and they ſaid, they were ſo diſguiſed, that they did not know each other.

How many did they ſay were on board the brig?—They ſaid ſeven, I told them that I heard that there were twenty one; they ſaid, no, only ſeven, they ſaid their faces were ſo black, they did not know one another at the time, I did not aſk him any particulars, nor how they divided them; one of them ſaid, as I underſtood them, that they ſhared them in a piſs-pot; I did not think of ever being called in queſtion, therefore I did not keep it in my mind.

Mr. Chetwood. You ſay you was in liquor at the time?——I was not ſober, not yet very much in liquor; I was not rightly ſober.

What dollars they were talking off, you did not know, nor the ſhip?——I certainly knew the ſhip, becauſe I was on board of her, when ſhe ſailed out of the port of London.

ELIZABETH CASTLE *ſworn.*

I have ſeen all the three priſoners, but Church and Miles I know better than the other, I never ſaw them but once, I was in company with them, they came to our houſe together in September.

How long is that ago?—I do not know rightly, nor what time in September it was, I ſuppoſe it is near five months ago.

Are you ſure as to the month?—It was in September.

What

What did they do in your houſe?—— Church and Cook came there with a couple of bags, I aſked them what they had there, they told me copper; I afterwards ſaw them, they moved them out of the bags and they contained dollars, there were a good many I cannot tell how many, there were ſome hundreds I dare ſay; I ſaw all the three priſoners the week following, they came to our houſe and ſtopped a while and went away again.

What did they come for at that ſecond time?—I do not know, not for any thing particular.

What became of the dollars?—Church and Mills came afterwards and took them away again all of them.

At the time they came firſt to your houſe had you heard of the ſhip being robbed?—No Sir, I did not hear it for a great while afterwards.

THOMAS CASTLE *ſworn.*

I am huſband to the laſt witneſs, I remember Church and May Cook coming to our houſe, it was on a Thurſday to the beſt of my knowledge, I believe it was in September; they came there with two bags and left them, and came in preſently after and put them backwards, and left them there for a day or two, then Miles and Church came and took them out; I think they ſaid they were dollars, there ſeemed to me to be two thouſand or upwards, they put them backwards at my houſe, I believe they put them in my garden, I do not know whether they put them under ground or above ground; Church and Miles came back for them the next night, and went backwards into my garden for them, they brought two bags with them and took them on their ſhoulders and went out of doors.

Had you any converſation with Church and Miles about them ſince?—No never from that time to this, but about a fortnight ago I ſaw Church at Tothil-fields, and he told me he put them in a field behind the inn-yard where I uſed to work, I think the field belongs to Mr. Hudſon.

Mr. Morgan. How long were they in your houſe?—Not a great while.

Mr. Cherwood. This converſation was in September you think?—Yes to the beſt of my knowledge.

JOHN DOLFIN *ſworn.*

Do you know the priſoners?—Yes.

State in your own way whether any thing paſſed in company with them on the 6th of October?——On the 6th of October laſt, Joſeph Hitchcock came to me and gave me information of ſome dollars and ſome money being on board a brig, he ſaid that Cook gave him the information; we agreed on the Wedneſday evening to meet at the Red Cow in Old Gravel Lane, at eleven o'clock; there were Joſeph Hitchcock, John Miles, James Grey, Thomas Brown, Edward Payne and myſelf, and May Cook was in the boat; we went down to King Edward Stairs, and we went on the other ſide of the water, and there we took another boat; we rowed on board a brig laying off New Crane, we had our faces blacked with ſoot, the brig was laying ſwinging by herſelf at anchor, there were ſeven of us went on board, we faſtened the forecaſtle down, and Hitchcock, and myſelf, and May Cook went down into the cabin; Hitchcock went into the ſtate room and took the captain's cheſt and upſet it: we unbuttoned a little bit of a door under the captain's cabin, and rolled out three caſks and two boxes; Hitchcock and myſelf lifted them up upon the deck, and put them in the boat, and we rowed down to Limehouſe, down to Robert Brown's back door; Thomas Brown went round and knocked Robert Brown up and was let in, then we hoiſted in the caſks and boxes into the back door, and began to open the caſks and boxes, and they contained dollars, and began ſharing them out five at a time, but we found that was too tedious, and we took a two quart pan to meaſure them. Robert Brown burnt the caſks after we divided the dollars and the watches; my ſhare of the watches was thirteen, and we carried them into Robert Brown's parlour.

How

How many dollars came to your ſhare?—I do not know, we went and called Robert Brown down, and gave him fifty-eight dollars for the uſe of his houſe, and Hitchcock and Cook took and carried as many dollars that morning as came to 75l. to one Cuſhman and Farmer, that is Joſeph and Solomon who have been juſt now examined; the ſame morning James Gray and Edward Payne took theirs and ſold them to Benjamin Wolf, and Thomas Brown was going home to his own houſe: Miles took us to Thomas Brown's houſe, I aſked Brown to let me take mine there; on Thurſday evening I went with Miles to Limehouſe, to Thomas Brown's houſe; there Miles and myſelf took his part out, and put them in a coach, and I ſaw them taken to Bunhill Row to his mother's, and there he buried them in the kitchen: on the Friday evening I went to Thomas Brown for my part, and he ſaid they were gone, but I had three hundred and ſeventeen that I ſold to Farmer and Cuſhman; on the ſame evening Cuſhman met me at Crutched Friars and paid me a ten pound note, and likewiſe he gave John Miles a ten pound note for his watches; I ſold three hundred and ſeventeen to Joſeph, who paid me ten pounds for them, Cuſhman is Joſeph, I ſold them to them both, he gave me a ten pound note and ten guineas in caſh.

JOHN CLARKE *ſworn.*

Mr. Taylor being robbed he applied to Sir Sampſon for aſſiſtance, and the buſineſs was then put into my hands; and on the 19th of October I had received a private information, that there were dollars hid under the ſtones in Mr. Miles's mother's houſe, at a court in Bunhill Row; I went there; after ſearching ſome time I put the end of my ſtick between two ſtones and I felt it go ſoft, and there I found this bag of dollars; I afterwards had twelve watches of one ſort, and fourteen of another ſort given to me by Farmer and Cuſhman and Wolfe, twenty-ſix by Wolfe and thirteen by Farmer; which watches I delivered to Mr. Samuel, he ſwore that they were part of the property taken out of that ſhip before Sir Sampſon Wright.

(Samuel produces ſome of the watches which are the ſame he had from Mr. Clarke.)

Mr. Morgan. Was not the waſh-houſe an open place to which any one might have acceſs?—Yes, I believe it was.

WILLIAM WESTON *ſworn.*

I know all the priſoners, Hitchcock told me laſt Monday was three weeks, at Tothill-fields, that he and May Cook carried ſome of thoſe dollars to Mr. Caſtle's, that were taken out of the ſhip, I think he ſaid two thouſand five hundred or three thouſand, I will not be clear; he ſaid Mr. Caſtle was a tanner in Long Lane, he ſaid they were buried in his garden, and were removed from there and carried into a field.

Mr. Chetwood. How came you to go to gaol to have this converſation?—I did not go on purpoſe then.

You have not been there before?——I knew Mr. Wright the keeper of the gaol, and I informed the proſecutor.

Did you or did you not go there for the ſake of getting information?——No, not the firſt time, I went afterwards purpoſely.

Court. At the time when you went to him, was he in cuſtody upon this charge?——Yes, I was not employed at all.

Did you do it as a mere act of treachery?——No, I did it for the ſake of Mr. Taylor, that he might get his property again; I know Mr. Taylor, but I had no particular converſation with him.

You knew he was to be tried for his life?——No, I did not.

What induced the converſation?—I told told May Cook, the beſt way he could do, was to give me the beſt information he could, that Mr. Taylor might get his property again.

Was you ever deſired by any body whatſoever to go there?——I was never deſired by any body before; I knew Hitchcock for years, when he was firſt an apprentice.

Did you or di d not you tell Hitchcock would

would be better for him?——I did not tell him ſo.

Did you begin the converſation or him?——I began it myſelf.

Was Hitchcock by at the time, when you told May Cook it would be better for him to confeſs?——No.

PATRICK MACMANUS *ſworn.*

I found twenty-ſix dollars in a hole in a field, in the back of a tan-yard, the other ſide of the water, the place where they deſcribed; it had been opened, and two men were digging in the field, and we called them and they found theſe dollars.

Priſoners. We leave it all to our Council.

Court to Samuel. Do you know that the watches that were delivered to you by Clark, were part of the watches that were on board the ſhip?——Yes, they were.

The priſoner Hitchcock called ſix witneſſes, who all gave him a very good character.

The priſoner Miles called two witneſſes who gave him a very good character.

The priſoner Gray called two witneſſes who gave him a very good character; and his maſter ſaid, he would take him into his ſervice again, if he was acquitted.

ALL THREE GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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294. JAMES WIGGAN, JOSEPH WIGGAN, THOMAS WIGGAN, and JAMES RUSSELL were indicted for feloniouſly aſſaulting Joſeph Bowden, on the King's highway, on the 24th day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one pair of baſe metal ſhoe-buckles, value 2s. one baſe metal knee-buckle, value 2d. one pen-knife, value 6d. two leather gloves, value 6d. one ſtock-buckle, value 6d. one cambrick ſtock, value 2d. and one piece of gold coin of this realm, called a guinea, value 1l. 1s. his property.

JOSEPH BOWDEN *ſworn.*

On the 24th of January, about a quarter paſt twelve at night, I was robbed near Chelſea, I was returning to Ranelagh where I live; I was going home from town, oppoſite the New Spring-gardens, in Ranelagh road, I was met by five men; they attempted to catch hold of me, but I avoided three of them, and I came to the poſt, they caught at me as I paſt, and the fourth man caught me round the middle, and the fifth man came up; they came and demanded my money, I told them I had no money for them, they then began to riffle me, firſt they began with my ſhoe buckles, they got off my right knee buckle, and they put their hand in my breeches pocket, and took my gloves out of my coat pocket; they took a guinea and a Bank-note out of my coat pocket under my arm, I put the gold in there for ſafety, they returned the bank-note, thinking it was of no conſequence; they cut my ſtock and buckle off my neck with a knife; they threatened repeatedly to throw me into the ditch, till they found the guinea, then they all left me.

How long might they be with you altogether?—About the ſpace of two minutes.

What ſort of a night was it?——It was very light, remarkably light, it was light enough for me to ſee to read my papers.

Was it moon-light?——Yes, bright moon-light.

What day of the month was it?——It was the 24th of January.

Had you an opportunity of obſerving the perſons of theſe men, ſo as to know them again?—Very diſtinctly, my Lord, I took particular notice of them, when they left me I ſaw a watchman at a little diſtance, and I made haſte to call him; and I told him I had been robbed by five foot-pads, and I deſired him to join me in the purſuit of them, and he came, and we went after them directly.

Had they got out of your ſight?—Yes, they were but juſt out of ſight, we made the beſt of our way; we came to the firſt watchman on this ſide the water-works, we called and aſked him, if he had ſeen five men whom I deſcribed, he ſaid, they were juſt gone on before; then we came to Buckingham-gate and aſked the guard, and he ſaid, they had juſt turned up Petty France; we purſued them till they came near the Broadway, there were two or three more watchmen then, and we came in ſight of them in the Broadway; I was apprehenſive if we purſued them they would take up different ſtreets, I deſired the watchman to ſpring his rattle that they might be ſurrounded; when I went cloſe to them I gave the charge, there were other people that were there, and four of them were taken, the other made his eſcape.

Did you ſo obſerve the perſons of any of them, to know them again?——Yes, I knew them then, and pointed them out to the watchmen.

Do you know them now?—Yes, there are three of them ſtands there, and this little man, Ruſſell, is the man that faſtened round me, he is dreſſed different; I know both the others, they all aſſiſted, I am perfectly clear in that man that is ill, his name is Thomas Wiggan; I am quite ſure of the perſon of this man, I am equally clear of all.

Can you in a tranſaction that took up two minutes, and in the hurry and confuſion you was in, undertake to ſwear to the perſons of four men whom you never ſaw before?——I am very clear in it, I have no doubt at all.

Did you obſerve any thing remarkable in the faces of perſons of any of them, that you knew them again?——Yes.

If they had got from you clear that night, had you obſerved them ſo that you could be able to know them afterwards?——Yes.

You think you ſhould have known them anywhere?—Yes.

Were any of them ſearched after they were taken?——They were taken to the watch-houſe, and ſearched in my preſence.

What was found on each of the priſoners?——My two pair of gloves and a guinea, was found on James Wiggan, I cannot ſwear to the guinea.

Was any thing found upon Ruſſel?—The pen-knife and buckle, and part of the ſtock.

Was any thing found upon Thomas?—Nothing.

Any thing on Joſeph?—Nothing.

Did you ever find your ſhoe-buckles or knee-buckle?——No, they were examined before a Magiſtrate the next morning, I ſwore to them poſitively then.

What did they ſay?——They made no ſort of defence.

What Magiſtrate were they carried before?—Juſtice Abbington, in King-ſtreet, Weſtminſter.

When they were taken were they all four together?—Three were together, and one was a little diſtance.

Which of the three were taken together?——James Wiggan was taken by himſelf.

Which was taken firſt, the three or the one?——The three were taken firſt, but they were all partly together.

When you firſt got ſight of them, were they all together?——They were at ſome diſtance, we ſprung the rattle on purpoſe to ſee if it was them, we could not be ſo clear.

How far was you from them when the rattles were ſprung?—Forty or fifty yards, I ſuppoſe.

What did you mean by ſpringing the rattle to try if it was them?——In order to come cloſer to them, as that would prevent them from ſeparating; and when I came to them, I thought I ſhould ſee if it was them.

Were they altogether when you firſt ſprung the rattles?——I am not ſure.

Recollect as well as you can?——They were at ſuch a diſtance I could not perceive whether they were altogether or not.

Were there other people in the ſtreet?—Not juſt at that time, I did not ſee any in the ſtreet at that time.

Did you obſerve and take four men that were together, or take the firſt four men that

that you could lay hold of after you had ſprung the rattles?——They were together, I ſaw them four together, I am clear in that; one of them attempted to run away, that was James, the reſt did not.

Mr. Garrow, Priſoners Council. Pray Mr. Bowden, the perſons who robbed you got out of ſight, while you was looking for a watchman?——I was not long looking for a watchman.

I wiſh you would not look ſo much to conſequences, but give direct anſwer?—I ſaw a watchman directly, they were out of ſight before the watchman and I came together.

How long might it be, before the watchman and you ſet out upon your purſuit?—I ſuppoſe about four minutes.

You never got ſight of any four or five perſons till you came to the Broadway, Weſtminſter?——No, we did not, we heard they were juſt before.

At Buckingham-gate you were told, that in ſuch a direction, there were ſuch a number of perſons?——I was.

The moment you got ſight of three, four, or five men, you deſired the watchmen to ſpring their rattles?——Moſt certainly.

You did it in order to try by certain ſymptoms, whether they were the men that robbed you?——No, Sir, no ſymptoms, but that I might diſcover whether they were the men or not.

Did not you ſpring the rattle to try if they were the men?—I was pretty certain.

Then you was not before ſatisfied that they were the men?——No man could tell.

No man could tell! Sir, I will have an anſwer to every queſtion I put to you; you were not ſatisfied before, that they were the men?——I was ſatisfied by appearance but I could not ſee their features; I was better ſatisfied when I ſaw them.

I aſk you before you ſprung the rattle?——I was not ſatisfied then.

What was the fifth man doing at the time the others were robbing you?—There were three of them employed about me, the other two were holding me and ſtanding by.

What were they dreſſed in?——They were dreſſed in browniſh coats, different colours.

Some *lightiſh*, ſome *browniſh*, and ſome *darkiſh*, I ſuppoſe moſt of them had *lightiſh* colours; had they round hats?——Yes.

Something *roundiſh*?——Yes.

Did they all ſtand in front of you?——They were all in the front at firſt.

It is a plain queſtion?——They were all in front at times, they did not ſtand ſtill all the time.

Did you know any of them before?——I do not know that I ever ſaw them before.

You are equally poſitive as to them all?—Yes.

This tranſaction took up about two minutes?——A little more.

Do you mean to ſwear, knowing that theſe mens lives are concerned, that in two minutes under the alarm of being robbed by five men, that theſe are the men that robbed you? I took particular notice of them.

Do you mean to ſwear it?——I do.

You do; it is not common for Council to preſs it ſo; was you always of the ſame opinion?——I was always of the ſame opinion, never had any doubt.

They never were committed on ſuſpicion?——They were twice examined.

They never were committed on ſuſpicion, you gave a poſitive charge, and they were poſitively committed?——Yes, they remained for another examination, in expectation of other charges, I gave a poſitive charge.

Did you attend at the ſecond examination?——I did.

If you had given a poſitive charge at the firſt, what was the purpoſe of your attending on the ſecond?—I did not ſee the firſt commitment.

Then I ſee it now, here in the calendar, "*detained on ſuſpicion of robbing you*"; was there any other charge the ſecond time?—I was examined the ſecond time, then they were fully committed.

I ob-

I observed a singular sort of a smile about you as a prosecutor, when you told us that four were taken, and that you knew nothing about a fifth; now attend a little, have you never said, that you knew who the fifth man was that robbed you?——I never saw him since.

Have you never said you knew him, Sir?——I should know him if I was to see him.

Have you never said, that you have seen him?——No, I never saw him.

Have you ever said you knew him, I will repeat it till midnight, till I get an answer?

Court. The question is this, have you ever said to any body that you knew the fifth man that is not taken?——I do not know where he is.

That is not an answer, have you ever said to any body, that you knew the fifth man?——I believe I have said so.

Who did you say so to?——I do not know particularly.

Have you said so to many people?——It is a subject I have not talked much upon.

Then to whom have you said it?—I do not remember talking about it.

Why you told me just now, you believed you had said so?—I do not know where or when.

Do you know who the fifth man is?—If I was to see him.

Do you know who he was, yes or no, upon your oath?——I cannot know his name, I never saw him before, I should know him only by seeing him again, I never saw him either before or since that night, as I remember.

Upon your oath, have you any reason to believe that you ever saw the fifth man before or since you was robbed?——I have no reason to think that I have, I do not recollect any thing of it.

Mr. Garrow. I am a little more in this secret than my Lord is, and therefore he will pardon my going on, do you recollect saying who he was?——No.

Will you swear you never said who he was?——Yes, I could not say who he was.

But did you?——I never did say it.

Never to any body?——Never to any body, I never could say it.

Have you said it?——I have not.

Have you ever said he lived in your neighbourhood?——No, positively.

Have you never said, that you was afraid to go out, for that he lived in your neighbourhood?——No, never.

How many men were in sight when you and the watchman came first in sight of the men in the Broadway?——I take it there were four or five, perhaps not so many, I could not distinguish.

May be only three?——Yes, there were more than three, there were four or five.

Does your family live at Ranelagh?—Yes.

How long have you lived there?—About a twelvemonth.

Have you any business in town?—Yes, I carry on business at Ranelagh, I am a currier, my manufactory is at Ranelagh.

What had kept you in town so late that night?——I was on business that kept me till past twelve.

Is that your usual time of going home?——There is no regular time for my going home.

Where had you been spending your evening?—I was at the Bedford-square Coffee-house.

Was you alone or in company?——In company with three or four Gentlemen.

Did you sup there?——Yes.

Did you pay the reckoning?—Yes, the reckoning was paid.

Now I ask you for a serious purpose, did you pay your share of the reckoning for that night?——Pay my share! yes, to be sure I did.

Did you or not?—Whether I did or not the reckoning was paid.

Did you pay any thing?—I do not know whether I paid any thing or not.

Then you did not?—I do not recollect what passed; I do not recollect whether I paid the reckoning or not, the reckoning was paid at the house, I was in company with friends.

Which

Which friends paid the reckoning for you, I believe you did not pay it, did you contribute one farthing towards the reckoning?—I was there upon particular buſineſs.

Court. It will be better for you to anſwer, if the gentleman aſks you any improper queſtions which you ought not to anſwer it is my duty to ſtop him, and I will do it, but if he aſks you queſtions that appear at preſent to be nothing to the purpoſe, you cannot judge of that, nor can I, till it appears that they are not; you muſt anſwer them.

Mr. Garrow. Did you pay any part of the reckoning or not?——I do not know whether I did or did not.

Was you ſo drunk you have forgot whether you did or not?——I believe I did not pay any part of the reckoning that night, there were four or five gentleman there, I think two gentlemen paid it.

Was you drunk or ſober?——No more drunk than I am now,

Was you drunk?—I was not.

Was you perfectly ſober?—I was.

How long was you at that coffee-houſe?—Two or three hours.

Now was not the reckoning paid by others, becauſe you had no money in your pocket?—How could that be when I had a guinea in my pocket.

Don't argue with me, was not it ſo underſtood by the company?——No.

Who were in company, give us the names?—Mr. Kendrick, in Cecil-court, and Mr. Allen, in Rathbone-place, were two.

When did you prefer your indictment?—On Monday I think.

Attend a little, I can tell you it was not Monday; recollect yourſelf, and I will make you preſently aſſign a reaſon why it was not Monday?—It was Monday or Tueſday.

Try again, do not you think it was Wedneſday?—I think it was Tueſday.

Why was it delayed?—I had a cauſe in Chancery at that time.

You attended that cauſe?—That was the only reaſon why I did not prefer it.

What is the reward upon the conviction of theſe four men?——I know nothing about the reward, I do not know what reward I am to receive.

How much is the blood money as it is called for four men, out with it?—The reward is nothing to me, I have been told there is a reward.

What is it?—You know better than I do.

Is not it a hundred and ſixty pounds?—I have heard ſo.

Now have you ever propoſed this, that for two hundred and fifty pounds, you would abſent yourſelf, and not prefer any bill of indictment againſt theſe men?—No.

Have you ever ſaid that?——I never ſaid that.

Upon your oath?——No.

Have you ever ſaid, that if their friends could raiſe two hundred and fifty pounds, you would not appear againſt them?——No, I never ſaid it.

Have you ever ſaid, that for any ſum you would abſent yourſelf?—No, I never ſaid any ſuch words, nor any like it.

Have you ever ſaid, you would give this excuſe, that you had a ſuit in Chancery, and that you would abſent yourſelf, till the Grand Jury were diſcharged?——I never ſaid it, nor I never hinted it to any body.

Do you know Mr. Andrews, have you ever ſeen Mr. Andrews on this buſineſs?—No.

Did you ſee him laſt Monday?—No, I do not know any ſuch perſon, I did not ſee him laſt Monday.

Do you know a ſhoemaker in Turnſtile?——I do.

What is his name?—Powis.

By Powis have you ever ſent a meſſage to Andrews?—No, I never ſaw Andrews, I never talked to him at all about this thing.

Do you know any ſuch man as that?—No.

Do you know a gouty man that keeps a coffee-houſe?—No.

JOHN BIRDSAY *ſworn.*

I watch in the Chelſea road, juſt after I had called twelve on the 24th of January; the proſecutor called halloo, watch! he ſaid he had been robbed by four or five men, I ſaid,

ſaid, which way are they gone, he ſaid, towards town, we run as faſt as we could, and came up to Pimlico, and I called another watchman, I did not tell him what was the matter; when I came through Pimlico turnpike, I aſked him if there had been any body gone paſt there, he ſaid, yes; I came to Buckingham-gate, and heard there were four or five gone towards Weſtminſter, but nobody had gone through the Park; the next watchman told me the ſame, the third watchman ſaid, he is juſt before you; in Tothill-ſtreet juſt by the gulley-hole, I ſprung my rattle, I did not ſee any body then, the proſecutor was cloſe by me.

Did you ſpring your rattle yourſelf, or did he deſire you?—I ſprung it of myſelf, and turning round I ſaw a man ſtanding againſt the ſide of a houſe, and Mr. Bowden ſaid, that is one of the men, and I believe he has got a cutlaſs in his hand; I catched at that, but it was a whip, and not a cutlaſs; in the mean time two more men came in amongſt us, ſeeming very innocent, and Mr. Bowden ſaid, that is one, and that is one; ſays he, I will ſwear to all the three; and one of the Weſtminſter patrols brought another man out of Dartmouth-ſtreet, and he ſaid that was another, and he would ſwear to him; he ſaid he would ſwear to them all four.

Were thoſe four men the firſt four men that you ſaw, except the watchmen?——Yes.

They were not together at any time, when you firſt ſaw them?—No, Sir, not all together, only one or two.

Were they taken to the watch-houſe?—Yes.

Were they ſearched there?—Yes.

They are the four priſoners?—Yes.

Which of the priſoners was the firſt that you ſaw?—It was that next to me, Ruſſel.

Who were the two that were taken together?——Thomas and Joſeph.

Were they ſearched at the watch-houſe?——Yes.

Was there any thing found on any of them?—Yes, there was a guinea and two odd gloves found on James, who was taken in Dartmouth-ſtreet, two left hand gloves; there was a knife and a ſtock-buckle, and a part of a ſtock found upon Ruſſell.

Was there any thing found on the other two that were taken together?—Nothing that I ſaw.

EDWARD WILLIAMS *ſworn.*

I am a watchman; the laſt witneſs called to me for aſſiſtance, I followed him and joined in the purſuit, when I came into Tothill-ſtreet, I followed them as cloſe as I could, the priſoners were all taken up and ſtopped.

What paſſed at the watch-houſe?——James Wiggans was ſearched firſt, two odd gloves were found on James, and two others were found in the ſtreet by a watchman who went out to look for them.

Was any thing elſe found upon James?—I heard there was a guinea found, I did not ſee it: Ruſſel had a ſtock-buckle upon him, and a penknife.

Was there any part of a ſtock with the buckle?—Yes, there was.

JOSEPH CARR *ſworn.*

I am a watchman; Mr. Bowden and Birdſey came running to me, my ſtand was at Pimlico, they aſked me if I had ſeen any body go by, I ſaid yes, there was ſeveral people gone by; Bowden ſaid, I am robbed, I ſaid I had ſeen ſeen ſeveral people, I did not deſcribe any perſons in particular, I had not noticed any perſon in particular.

When did you firſt ſee any of theſe people?——In Dartmouth-ſtreet, where they were taken; I did not ſee in what manner they were taken, I was behind Birdſey, I was at the watch-houſe when they were ſearched, I cannot tell their different names.

PATRICK KENNEDY *ſworn.*

The proſecutor gave me charge of the priſoner Ruſſell in Tothill-ſtreet, I heard a rattle ſpring, and I came and ſaw Mr. Bowden and a watchman come down, and they came and aſked whether any body was gone by, and I ſent my partner up a bye-ſtreet,

ſtreet, and he brought out this man, he told me he had been robbed; I left them and went to my partner, then I heard ſomebody ſay here they are, and I came back, and I ſaw Ruſſel with boots and a whip in his hand; there were three men taken not far from there.

Was there any body in ſight when you firſt took Ruſſel?—There were a good many people about, watchmen and other people, when I firſt ſaw Ruſſel. I ſaw the other priſoners at the watch-houſe.

Mr. Garrow. How long was it after you heard the rattle rung, before Mr. Bowden aſked you whether you had ſeen four or five men?—I came up to him in about two or three minutes.

When was the bill of indictment preferred?—On Monday.

Think again.—On Tueſday.

On Monday, I believe, Mr. Bowden could not come.—I cannot tell why it was not preferred.

What did Bowden ſay to you about this being a good fetch?—I never had any ſuch converſation with him.

Had you, when together, any ſuch converſation?—No.

At the Juſtice's office?—No, Sir, not as I know of.

No ſuch converſation at all?———I never heard any thing like it, any more than what is common, that *every body thinks to have ſomething if they are caſt.*

Aye, *ſomething if they are caſt:* now in conſequence of that what paſſed in whiſpers at the Juſtice's office?———There was not a word about it, as I know of, no more converſation than what is uſual.

Where had you that converſation?——We had not a word.

Upon your oath, have you never had any converſation with Bowden, in the company of the other watchmen, about the reward of theſe men upon their conviction?——Upon my oath I never had.

ROBERT OATES *ſworn.*

I am a patrol, as I was going my rounds about three quarters paſt twelve, or thereabouts, on Monday night, I was going down Dartmouth-ſtreet, and I heard a watchman's rattle, I made the beſt haſte I could to it, and I ſaw Birdſay and the proſecutor, as I found he was afterwards; I aſked him what was the matter, and he ſaid, had I ſeen five men come that way; I ſaid, no; they ſaid the proſecutor had been robbed, and they had come down this way; my partner turns about to me and ſays, you had better run up Dartmouth-ſtreet again; I looked about and ſaw nobody at the end of Dartmouth-ſtreet, I ſaw lanthorns running by, and I went to them, and coming down Dartmouth-ſtreet, I met a man running along the middle of the way, I croſſed over to him, and aſked him what he was, and ſtopped him, he came into Tothill-ſtreet, and there I ſaw my partner had ſecured three more men, this man did not attempt to eſcape at all, when I deſired him to ſtop, that was the priſoner James Wiggan.

Mr. Garrow. My Lord I have ſent for Mr. Powis, and he has ſeen the meſſenger of the court, and he ſays he will not come.

Court. Send an officer with a ſubpœna, who if he refuſes to come will take him into cuſtody.

——— SKIRVIN *ſworn.*

I am conſtable of the night, I produce the property that I found on each of the priſoners, I have had it in my poſſeſſion ever ſince; here is a pen-knife, a ſtock-buckle and two pair of gloves, I found theſe in the pocket of the priſoner.

On which of them?——They were not all found in one priſoner's pocket, theſe are the names upon which the things were taken; I put them down at that time; a knife and two of the gloves were found in James Wiggans's pocket, and two gloves afterwards were found in the ſtreet by the watchman; the gloves that were found in his pocket were odd ones, and when the other two gloves were brought in, the proſecutor ſwore them to be his property; here is a pen-knife and ſtock-buckle which was found in Thomas Wiggans's pocket.

What

What do you recollect that from?——I ſearched all the four.

Do you recollect it from your own memory or from the paper?——I put down his name, I found a guinea in James's pocket and a bad guinea.

Was any thing elſe found that he claimed?—No Sir.

Then nothing was found on Joſeph nor Ruſſell?——Not of his property.

Can you be very particular as to which you found them upon?—To the beſt of my knowledge.

I aſk you if you can be very ſure?—I am pretty ſure it was ſo.

Mr. Garrow. You made a memorandum in writing at the time in order to be more accurate?—Yes.

So that you can have no doubt upon it you know?—No Sir.

The things were taken from the ſeparate pockets, and put ſeparate at the time, and againſt them was put the names of the people on whom they were found: were the things mixed?——No they were kept ſeparate and put down from my own recollection.

Was Mr. Bowden preſent at the time when you put them down?—Yes.

He agreed with you that theſe things were right?——He did not contradict me.

Court to Proſecutor. Stand up again and look at thoſe things that were found, look firſt at the gloves?—This is a thin pair that I wear in the ſummer.

What leather are they?—I do not know, they are the uſual leather that I wear.

What do you know them by?——I have worn them for a good while, I know them from no particular mark.

Suppoſe there was a hat full of old gloves put in altogether, could you pick them out?——I knew them immediately as ſoon as I ſaw them, I have been uſed to them a conſiderable time, I know them perfectly well, I know they are my gloves, the gloves that I uſually wear, I mean to ſwear to them; I had two pair of gloves in my pocket.

How happened that?——Them ſtrong gloves I wear for cold weather; this knife I know it is mine. *(The knife handed up to the Court.)* I had no particular mark on it.

Could you have deſcribed your knife to another perſon?—I know it, I have been uſed to it a great while.

Did you know the maker's name on it?—No.

How long have you had it?—Three quarters of a year.

Do you know the ſtock-buckle and piece of the ſtock?—Yes.

Was there any mark on the ſtock-buckle?—No.

Was there any mark on the ſtock?—No.

Who wrote thoſe marks that are now upon it?——I believe I wrote it at the Juſtice's office.

For what purpoſe?—I am not ſure, I did not know there were any marks upon it.

Have you any remembrance that there was any marks upon it?—No.

Then why did you ſay that you believed you wrote it at the Juſtices?—I put no mark but at the Juſtices.

Do you know whether any thing is written upon it or not?—I do not.

Court. Do you remember the Juſtice deſiring you to put a mark upon it?—Yes.

Then how came you to tell me now that you did not know whether it was marked or not?—I know the ſtock perfectly well; I have been long uſed to the buckle, I have often had it in my hands.

Have you obſerved any thing remarkable in it?—No.

Now I have obſerved ſomething remarkable in it, by which I think I ſhould know it?—I had my buckle for a year and a half, the buttons of it are flat.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of James Wiggans, &c.

Mr. Garrow. How many ſtuds has it?--Four.

Are you ſure of that?——Yes.

How many prongs has it?—It had four, I am pretty ſure, but I cannot ſay whether there are four now.

Did the ſtuds project beyond the rim, or were they within the rim?—I do not remember.

Has it a ſtrait bar or is it turned?——I never took notice of it.

Is the outſide rim ſtrait or curved?—I think it is curved.

Now with reſpect to this knife, how many thouſand of them do you think were ſold at laſt Bartholomew-fair?—I do not know.

Had you a great coat on that night?—Yes, it was a bitter cold night.

Were your gloves in your great coat pocket?——Yes.

That is an odd way in a cold night, were they all in your great coat pocket?—Yes, in the outſide pocket, the ſtrong pair I think I had on my hands, and my thin pair were in my great coat pocket, I took them out of this pocket here, and put them in my great coat pocket.

Do you know were you bought theſe gloves?——No.

CHARLES CARY *ſworn.*

I am a conſtable and beadle of Saint Margaret's pariſh, I was in the watch-houſe that night, and about a quarter before one the four priſoners were brought in, and the proſecutor and watchmen came in with them, the proſecutor charged them with a robbery, I aſked him what, and I ſaid we will ſearch them, he ſaid before we ſearched them, he had loſt a ſtock buckle and ſome gloves, a knife, a pair of ſhoe buckles, and a knee buckle, he did not mention what gloves, he ſaid two pair of gloves and a guinea.

Priſoner. That man has been in the Court during the whole trial.

Cary. The proſecutor did not ſay what ſort of gloves they were; James was ſearched firſt, and there was found upon him two odd gloves and a good guinea, and a bad guinea, and ten ſhillings and ſix-pence in his breeches pocket, that was all that was found upon James; the good guinea was found in his coat pocket with the gloves, and the bad guinea and the ten ſhillings

and

and ſix-pence in his breeches pocket: we next ſearched Ruſſell, and we found in his waiſtcoat pocket a ſtock-buckle and a piece of a ſtock to it and a penknife; we ſearched the other two but there was none of the proſecutor's property found upon them.

What account did the priſoners give of themſelves?—James ſaid he was a gentleman, I then ſaid we will ſearch him firſt, while we were ſearching him, Ruſſell went to the further part of the watch-houſe and ſat down, I did not ſearch the watch-houſe till after he was gone, but I went after and I found this piſtol, they did not ſay much for themſelves, as for the other two priſoners there was nothing of the proſecutor's found upon them; he ſaid he had loſt two pair of gloves, the watchman went out and found two other gloves.

WILLIAM PARRY *ſworn.*

I was watchman at the Broadway, Weſtminſter, and at half paſt twelve o'clock the alarm was given of this robbery, and of five or ſix men being together; we ſaw five men coming up to us all in a body, and I took one, that is the one; I know they were all taken in leſs than two minutes, the firſt turned up Dartmouth Street, and I took hold of the next and they came and took the reſt.

Priſoners. We leave it to our council.

JOHN ANDREWS *ſworn.*

I live in Bridges-ſtreet, Covent Garden, I keep the Nottingham Coffee-houſe, I am acquainted with the priſoner Ruſſell.

Do you know the proſecutor?—No.

Do you know Mr. Powis?—Yes.

JAMES POWIS *ſworn.*

I live in Newman's Row, in Lincoln's-inn-fields, I am a ſhoemaker.

How long have you known Mr. Bowden?—Mr. Bowden the currier, I believe it might be a dozen or fourteen years.

When did you ſee him laſt?—The laſt time I ſaw him I believe was on Tueſday laſt; he told me on Tueſday to the beſt of my recollection, that he was going to Clerkenwell to find a bill againſt ſome people that had robbed him; I was mentioning the matter to a perſon in our neighbourhood, one Aſhley.

When did you communicate to Bowden what paſſed between you and Aſhley?—On Monday morning I ſpoke to Bowden, and told him the circumſtance, that there were people that were very willing to pay any expences, or words to that effect; Bowden conſented to that, provided he could be ſecured from the laws of his country taking hold of him, and his expences paid, he was very willing not to take away the lives of the priſoners.

What was he to have?—Two hundred and fifty pounds, he did not aſk it, but the gentleman who came along with him, told him in my hearing, that it would coſt him one hundred and ſeventy or one hundred and eighty pounds, as he was bound over; that Mrs. Bowden was likewiſe bound over in forty pounds, to give evidence againſt them on account of the ſtock, which made it five: Mr. Bowden ſaid it was ſo, and after this Mr. Aſhley who was the perſon who firſt mentioned it to me, took me to the gentleman in Bridges-ſtreet, and Bowden was very agreeable according to the advice of his friend, to take it and keep out of the way: I aſked Mr. Bowden if he would agree to be out of the way on the receipt of two hundred and fifty pounds, and when I mentioned the matter Mr. Bowden ſaid it was ſo, and he muſt have ſomething for his expences, and he would go to Bath or Briſtol during the ſeſſions.

What was it Bowden ſaid about the two hundred and fifty pounds?—He did not ſay two hundred and fifty pounds.

He aſſented however upon terms that were talked of, to be out of the way?—He agreed to go to Bath or Briſtol.

Was that the reaſon that he did not prefer his bill on the Monday.

Court. If it was, what then?

Mr. Garrow. If it were true, it would go a great way againſt the credit of the proſecutor, who had firſt accepted it, and now has denied it.

Was

Was there any converſation about attending a ſuit in chancery?——Yes, Mr. Bowden ſent a perſon off in my hearing to the Seſſions-houſe at Hicks's Hall, to acquaint the people that he could not attend, having a cauſe in the Court of Chancery.

Did Bowden ſay at all what he was to have, or what he was to do?——He ſaid, he would go off that evening for Bath or Briſtol, provided I brought him the money, and more over than that, the money I was to give him, I was to put it in a room; and he was to take it.

What money was you to bring to Bowden?——The money I was to receive from Andrews.

Court. Had you any authority from any of the priſoners to make this propoſition?—I had not, that I am clear in, I had ſeen none of them, nor none of their friends.

In conſequence of this you went to ſomebody or other, for the purpoſe of getting the money?——Yes.

Did you get the money?——No.

Did you ſee Bowden afterwards?—Yes.

When?—The ſame day, and the next? I told him that Mr. Andrews had ſent to the gentleman on Poultney-hill, I believe his name is Kidney, and Mr. Aſhley brought me for anſwer, that Kidney would ſee Andrews, and appointed four o'clock; then when I had told him that, he ſent to the Seſſions-houſe, to tell the people he could not meet them that day, for he had a cauſe in Chancery.

Did you get the money?——No.

Did you ſee Bowden after that?——The next day he called at my houſe in the forenoon; I told him I had heard nothing of Mr. Andrews, or the parties, and I ſhould not give myſelf any trouble about it.

What did Bowden ſay to that, when you ſaid, you ſhould trouble yourſelf no more about it?—He ſaid, he was going to Hicks's Hall, that was on the Tueſday; I have not ſeen Bowden ſince.

Court to Bowden. You have heard now, the evidence that Mr. Powis has given?——Yes.

How came you to deny it?—I have an evidence, Mr. Allen that was with me at the time; I think it is very proper he ſhould be heard.

Is he here?—I believe not.

Is this, that Powis has ſaid, true?—No.

What part of it is falſe?——I called on Mr. Powis about ſome buſineſs, and he aſked me to ſtep down ſtairs with him; and he aſked me as he was acquainted with ſome of the friends of the priſoners, if he could get me indemnified againſt all expences, whether I would appear againſt them; there was nothing about Bath or Briſtol propoſed; but if this gentleman, Mr. Allen, was preſent, he would be an evidence.

Court to Bowden. If this evidence of Powis's is falſe, and Mr. Allen is not preſent; you know what to do.

THOMAS SMITH *ſworn.*

I live at Deptford, I am a baker and freeholder in the ſame county, I have known James Wiggans three years, and have ſome ſmall knowledge of the other brothers; James during that time has bore the character of an honeſt, ſober, good kind of young man; I ſtill entertain the ſame opinion of him, and I believe, and I do ſay, that I would truſt him with the value of the whole ſacks of flour in my ſhop, and that is not a trifle; as for Thomas, I can only ſpeak from general report, and if that report ſays true, he is intitled from that, to as good a character.

ROBERT SMITH *ſworn.*

I am a freeholder, I live at Deptford, I know all the three Wiggans's, they have as good characters as any young men can have.

GEORGE HAMPSHIRE *ſworn.*

I know James, his general character has been honeſt, I know the other two as his brothers; I have a high opinion of him I recommended him into the ſame employment I have.

JOSEPH SMITH *ſworn.*

I live at Deptford, I have known James three years and a half, he is a ſober, honeſt, worthy young fellow, I have ſeen the other two

two brothers, and have heard of their character being very ſober and honeſt.

——— HINDES *ſworn.*

I know Thomas and Joſeph, they are ſober, honeſt, induſtrious, careful, good ſort of fellows; I am foreman to the ſawyers.

WILLIAM KNIGHT *ſworn.*

I have known James three years, I know very little of the other two, his character is that of an honeſt man, and as far as I know, the other two are ſo.

WILLIAM CRESLOW *ſworn.*

I have known them all three theſe three years, always very ſober, honeſt, induſtrious young men, as for Thomas in particular, he lived at my houſe ſix months, and at next door eighteen months.

JOSEPH FLETCHER *ſworn.*

I have known more of James than the others, he was when he was in his Majeſty's ſervice a very obedient honeſt man; I had him in my family, and if he had been otherwiſe than honeſt, I muſt have found him out.

JOHN CRAWFORD *ſworn.*

I have known Joſeph and Thomas, they were ſtrongly recommended to me; their character has been that of honeſt men; I have nothing to ſay againſt them, I ſhould have no objection to employ them again.

THOMAS GROVES *ſworn.*

James always bore a good character, I have known him eleven years.

CHRISTOPHER HOBMAN *ſworn.*

I have known James, I look upon him to be a very honeſt man, that is his general character.

THOMAS HENDLE *ſworn.*

I have known James theſe five years, the others two years and better, they are very honeſt, good characters, and induſtrious.

The priſoner Ruſſell called no witneſſes.

JAMES WIGGANS, JAMES RUSSELL, } GUILTY, Death.

JOSEPH WIGGANS, THOMAS WIGGANS, } NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

---

295. DAVID JONES was indicted for feloniouſly ſtealing, on the 19th day of October laſt, one velveret waiſtcoat, value 2s. one man's hat, value 6s. one pair of cotton ſtockings, value 2s. nine guineas, value 9l. 9s. one half guinea, value 10s. 6d. and ſixpence in money, the property of William Blick.

A ſecond Count, for feloniouſly ſtealing on the ſame day, two bank notes, value 10l. each, being the property of the ſaid William Blick, and the ſeveral ſums of 10l. and 10l. being then due and unſatisfied thereon to the ſaid William Blick, the proprietor, againſt the form of the ſtatute.

WILLIAM BLICK *ſworn.*

I keep the Bull and Gate Inn, in High Holborn, I bank for many gentlemen in the country, to the amount of many thouſands in the year; on the 19th of October, I gave the priſoner two ten pound bank-notes to take to the bankers, and ten pounds in caſh; it was to take up a bill, which I have intruſted him to do, I ſuppoſe for near a thouſand pounds.

Court. You had intruſted him before? ——Many times; and he took away a hat, which I had lent to another of my ſervants, and a waiſtcoat, and a pair of ſtockings.

What do you mean by banking?——I do buſineſs for gentlemen in the country, charging them an half per cent.

What capacity was the priſoner in with you?——A waiter, it was often very in-

convenient for me to go into the city to the bankers, and in conſequence of that he uſed to go.

What banker's?——I do not recollect, I do buſineſs with almoſt every banker in Lombard-ſtreet; it was the 19th of October, after four o'clock, I went to the farm which I have in the country the ſame afternoon; and the next morning very early, a meſſenger came to the farm, to inform me the priſoner was not returned, and the Notary public had called with the bill; I came to town, and went to Bow-ſtreet, and got ſome hand-bills printed, I then took my phaeton, and went down to Chatham, and diſtributed thoſe bills, and about ten days after the priſoner was taken upon ſuſpicion; and being informed by a runner from East Smithfield office, that he anſwered my advertiſement, I went there and found him at a public houſe; he had the waiſtcoat on, but I did not know it then, I know it was becauſe I ſaw it before the Magiſtrate, on the Monday and Thurſday.

Did you know it to be your's?——I never wore the waiſtcoat, but it was my property, my wife told me it was mine, but my wife had promiſed him a waiſtcoat; I am ſure the ſtockings are mine, I ſaw them in a handkerchief; the hat was gone.

Court. How do you know your wife did not give him the ſtockings?——She has ſince told me, that if he had behaved well, ſhe would give him this waiſtcoat, ſhe declared ſhe did not give him the ſtockings; he had only eight ſhillings left when he was taken.

Where were theſe ſtockings taken from, do you know?—From a bureau drawer in one of the bars, I ſaw them about two or three days before, but I cannot be ſure.

Mr. Peatt, Priſoner's Council. So you keep a banking houſe and an inn?—Yes, I keep the Bull and Gate Inn.

I believe it is a houſe of civil protection for the goddeſſes that patrol Holborn, and preſide over the fate of drunken men?—I ſhould be glad you would explain yourſelf, Sir.

Is it not a houſe of protection for women of the town?——I neither keep nor procure any ſuch.

Your's is an inn, is not it?—Yes, it is, three hundred guineas a year.

But ſuch women may come in?—I have no buſineſs to aſk them whether they are married or not, it is open for every body, provided they pay their way.

Did you at any time ſay, you ſhould not have commenced this proſecution, but at the inſtance of your wife?—No, Sir.

Did you at any time ſay, that you had proſecuted for things that were not your property?—As to the waiſtcoat, after I came to know that.

Did not you ſay your wife made you bring the proſecution?—My wife does not rule me, I rule my wife.

Did you at any time ſay, your wife induced you to do this, or to do wrong?—Only touching the waiſtcoat.

——— SADLER *ſworn.*

On the 29th of October, I was ſent to take the priſoner on a charge of robbing the proſecutor of two ten pounds bank-notes, and ten pounds in caſh; I took him to priſon, the next day he had his examination before the Magiſtrate, and the Magiſtrate did not think it was a felony, he was diſcharged of that; then Mr. Blick laid a charge of felony, for robbing him of a waiſtcoat and hat, he had the waiſtcoat on his back, I took it off him, and Mr. Blick ſwore it was his property; here is the waiſtcoat.

Was any thing ſaid about ſtockings?—Not to my knowledge, I know nothing of the hat.

Mr. Peatt. All that you found upon him was the waiſtcoat?——Yes.

The proſecutor did not charge him with theſe ſtockings and waiſtcoat till he underſtood from the magiſtrate, that going off with the notes and money was no felony?——He charged him at firſt only with the notes and money.

Did the proſecutor ſay any thing before the Magiſtrate, in the hearing of the priſoner,

ſoner, as to the reaſon of this proſecution?—I heard no other than what I have told you.

PRISONER's DEFENCE.

I have no further to ſay, than I came from ſea two years ago; I uſed this houſe and ſpent a great deal of money, I lent the proſecutor twenty or thirty pounds, and I was induced to be his waiter, the waiſtcoat was given me, and the hat likewiſe; as to the ſtockings I know nothing about, they are in that bundle that I came away with.

Mr. Peatt to Proſecutor. In what capacity was this boy in your houſe?——As a waiter, I do not pay them any wages.

Priſoner. We have only what we get.

Did you receive him on account of his friends?—I will tell you the real truth, as ſoon as his money was gone, I deſired him to get into a ſhip, for I had ſo much loſs by officers.

Was he a cuſtomer to your houſe before he became your ſervant?—He was very ill when he came, he ſpent ſeven pounds in all; I ſuffered him to remain in the houſe, his place was worth a hundred pounds a year, he was a cuſtomer about four months.

Is it cuſtomary when men have laid out their little property, to make them ſervants?——There was another that I arreſted him by his own conſent, and he was of a good family; this young man's bill was at that time about eight pounds; he came and put forty pounds into my hands, and he drew it out in leſs than two months.

Did you let him remain in your houſe as a cuſtomer, or under the idea of ſervitude?——As a ſervant, the very ſame as all ſervants I ever had, I gave him that place that he might get his money up again, he aſſented to it and waited on all company that ever came.

WILLIAM HOVILLE *ſworn.*

I know the priſoner, I was ſervant to the proſecutor, I gave the priſoner a hat that the proſecutor gave me laſt April.

Did you at any time hear the proſecutor ſay his wife had made him do wrong?—He ſaid that if he had done wrong it was through his wife.

CATHERINE LING *ſworn.*

There were an old pair of white ribbed ſtockings about the kitchen, and I ſaid the priſoner might have them, they were not worth a farthing, theſe are not the ſtockings.

Proſecutor. Theſe are not the ſtockings he took from my houſe, they were in the handkerchief before the headborough.

Court to Sadler. What is become of the ſtockings?—Theſe are the ſtockings, there were no other.

Proſecutor. They were ribbed ſtockings my Lord.

Mr. Peatt to Ling. Were the ſtockings ribbed that you gave the priſoner?—Yes, they were ribbed ſtockings, nor worth a farthing.

Proſecutor. They were in the handkerchief with the other things.

Were they new ſtockings?—No.

Were they old?——They were in the middling way, they might be darned in the heels.

Did they lay about the kitchen?—In the tap room there is a bureau where a great number of my ſtockings are, and ſometimes they are thrown in there.

What is the value of them?—They are about five ſhillings a pair.

But what were they worth?——I ſuppoſe they might be worth a couple of ſhillings.

Mr. Peatt. How long was it from the time you ſuſpected the ſtockings were ſtole, before you ſaw them?—I ſaid before I am not clear, I have two dozen pair of ſtockings, I do not know when I ſaw them laſt, till I ſaw them in his handkerchief.

Court. You ſay nothing with reſpect to the bank-notes and money.

Mr. Peatt. I leave that to your Lordſhip.

Mr. Juſtice Gould in ſumming up to the Jury, mentioned the caſe of the man that hired a horſe to go to Sutton, and inſtead of that went and ſold him in Smithfield, which

which was reserved for the opinion of the Judges, and held to be a felonious taking; and Mr. Justice Buller mentioned the case of Bass, (Newnham's Mayoralty, No. I. Part III. folio 45.) and concurred in opinion that the possession still remained in the master.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice GOULD.

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296. JOSEPH LILLIE was indicted for feloniously assaulting Thomas Makepeace, on the king's highway, on the 23d day of October last, and putting him in corporal fear and danger of his life, and feloniously taking from his person, and against his will, one stuff gown, value 6s. the property of John Makepeace.

MARIA MAKEPEACE *sworn.*

I am wife to Thomas Makepeace, I only speak to the property, which is a stuff gown; Thomas Makepeace was my nephew, and is dead, he died through the fright of the prisoner, and the small pox, which he caught at the Old Bailey.

JOHN MAKEPEACE *sworn.*

Thomas Makepeace is my nephew, he attended here last Sessions, and caught the small pox, he lived with me; I sent him home with a gown that evening, but I know no further, only they took the boy and the man to the Justice before they sent for me.

A WITNESS *sworn.*

I was coming down Long-acre on the 23d of October, about ten in the evening, and just by the end of Chapel Alley in Long-acre, I heard a little boy cry out stop thief! and the prisoner at the bar ran out of the passage, I pursued him, and called out stop thief! I never lost sight of him, he was stopped by another man; I came up directly, the prisoner was stopped and searched, and the gown was not found upon him then, a person brought the gown up, it was found just by my side.

Mr. Justice Buller. Did you see the gown in the street as you pursued the prisoner?——No, I did not, it was rather a darkish evening.

Court. Are there any examinations returned.

Mr. Shelton. No my Lord.

Did the prisoner say any thing, did he acknowledge any thing?——He did not.

Court. Gentlemen of the Jury, by the death of the principal, Thomas Makepeace, the case is left deficient of evidence, and you must acquit the prisoner at the bar.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron PERRYN.

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297. WILLIAM BRADLEY was indicted for feloniously breaking and entering the dwelling house of John Mac Phail, no person therein being, between the hours of eight in the forenoon and four in the afternoon, on the 8th day of February last, and feloniously stealing therein, one iron Bath stove, value 14s. one brass fender, value 2s. one bed sacking, value 4s. two wooden chairs, value 2s. four iron hammers with wooden handles, value 4s. one iron spade, value 18d. one iron fox trap, value 5s. and four earthen flour pots, value 12d. his property.

A Second Count, For breaking his house about the hour of one in the night, on the 9th of February, and burglariously and feloniously stealing the same goods therein.

JOHN MAC PHAIL *sworn.*

I live in Grub-street, in the parish of Cripplegate, my house that was broke open is in the parish of St. Luke's, there was nobody there, we do not live there in winter time, we have it with a garden; I was in it on the 6th of December, I left some furniture in it.

What

What uſe had you for that houſe?—— As a dwelling houſe when the weather is fine.

Did you mean to dwell there again?—Yes; there was nobody in the houſe, it was broke open, but I am not ſure of the day, I did not hear of it till the 10th, then I went in to examine, and found ſeveral things were taken away; the things in the indictment, and many more: the Bath ſtove was fixed in the chimney in the firſt room in the houſe, the value of that was about 14s. and the ſacking of the bedſtead worth 4s. there was a braſs fender; I locked up the houſe and took the key with me, the key was never lent to any body at all, there was a fox trap, value 5s. and two wooden chairs, value 2s. there were four wooden hammers, value 1s. each, one iron ſpade, value 18d. four earthen flour pots ſtood on the mantle ſhelf, value 1s.

Did you rent this houſe or was it your own?—I rented it, and when I went to look at it, I diſcovered a hole broke at the end of the houſe where they got in, and then the window was ſet open to get the things out; when I examined the houſe, I found this ſtreet lamp which they had to light them, left in the houſe; I cannot tell how far the priſoner was concerned, the other witneſſes can tell you.

JAMES SHAKESHAFT *ſworn.*

I am an headborough, I produce things which I found in Taylor's-rents, Kingſland-road; on Thurſday the 10th of February, between eleven and twelve o'clock in the morning; the priſoner was in bed, and the ſtove lay by the ſide of the bed, with a fox trap and three hammers, and a rule, and the proſecutor came and owned the property at the office, the priſoner told me the things were his property.

(Two of theſe hammers, the trap, and the ſtove depoſed to.)

SAMUEL HARPER *ſworn.*

I am one of the headboroughs of Shoreditch pariſh, I went with Shakeſhaft and found theſe things, and took him and the property.

JOHN SMITH *ſworn.*

I live in Jewin-ſtreet, Cripplegate, I did live at the place, I left it before Chriſtmas, I uſed to go and ſee it every day till it was robbed; I ſaw it the Saturday before the robbery.

PRISONER's DEFENCE.

When I took this room there was no lock nor any thing upon the door, and theſe things were up in the room when I took it.

Shakeſhaft. I was going to take the two hammers and the rule, and he ſaid do not take them things for they are my own.

The Priſoner called three witneſſes, who alſo gave him a good character.

GUILTY

Of ſtealing to the value of 4s. *and* 10d. *but not guilty of the burglary.*

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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298. SOLOMON SPENCER was indicted for feloniouſly ſtealing, on the 15th day of January laſt, one woman's black ſilk hat trimmed with black ribbon, value 10s. one ſilk handkerchief, value 4s. the property of Thomas Hobbs.

MARY DOWER *ſworn.*

I was going home with a hat, on the 15th of January, about ſix in the evening; and I met a man, and he ſnatched it out of my hand, and run off; I do not know the man, I was carrying it home to a ſervant of Mr. Winter's, her name is Mary Bywater, it was a black ſilk hat, I was carrying it for Thomas Hobbs; I cried out thief! I did not go after him, a man met him and brought him back with the hat with him, I do not know whether he had the hat or the other man.

Was the prisoner the man that was brought back?——Yes.

CHARLES KNIGHT *sworn.*

I had been down Thames-street, and coming up Dowgate-hill, I heard the cry of stop thief! the prisoner ran past me, and I suspected him and ran after him, and took him with the handkerchief in his left hand, and the hat was in his left hand, and he dropped the hat behind him; I am sure he had the hat in his hand when I laid hold on him, I picked up the hat, and brought him and the hat to the gentlewoman; I asked her whether it was her property, and she said it was.

Court to Mary Dower. What did you do with the hat afterwards?—It was taken to the Poultry Compter, and given to the constable.

JOHN DASHWOOD *sworn.*

This is the hat I received from the young lady, it has never been out of my possession.

(The hat and handkerchief deposed to.)

PRISONER's DEFENCE.

I was walking along, and a man was walking behind me, and laid hold of me, and asked me whether I knew any thing of the hat and the handkerchief, I told him no; he brought me up to the gentlewoman, she said, she knew nothing of me; and there were several gentlemen persuaded the lady to give charge of me, she said, she did not know me.

GUILTY.

To be privately whipped, and confined six months in the House of Correction.

Tried by the London Jury before Mr. RECORDER.

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299. ELIZABETH BARLOW was indicted for feloniously stealing on the 11th day of January last, one pair of silver shoe-buckles, value 20s. and one linen apron, value 1s. the property of William Whitebread; one corded dimity waistcoat, value 12s. the property of Elizabeth Bunn.

RACHAEL WHITEBREAD *sworn.*

I am wife of William Whitebread, I lost a pair of silver buckles, and a cloth apron, on the 11th of January, from Maiden-lane, Cheapside, the prisoner was servant in the house where I lodged; the buckles were in a clothes-press, she went away in the morning, and took them with her, they were in a pair of shoes that wanted to be heel-pieced.

ELIZABETH BUNN *sworn.*

I gave the prisoner's mistress a gown and petticoat to wash, and I lost the petticoat, I know the prisoner, she was a servant in that family.

ANN CARTER *sworn.*

I live in Maiden-lane, Cheapside, the two last witnesses lodged in my house, and the prisoner was servant to me; on the 11th of January the prisoner got up as usual, and lighted her candle in the parlour, and went up to light her fire as I thought; I heard the street door shut about half an hour after, I got up and there was wood on the table, and a candle burning, and the key of the door on the table, and no servant in the house; I waited, and she did not return, I went up stairs and found her clothes were gone, and a white dimity petticoat from the clothes that was hanging up to dry, which I had in care to wash; that was the property of Elizabeth Bunn; about an hour after Mrs. Whitebread missed her buckles out of the press, and an apron.

SARAH FIELD *sworn.*

I bought a pair of buckles of a young woman, but that person I find is not here, I rather recollect the prisoner, she stood at the door, but I am not positive; at the Justices the prisoner said, it was her sister I bought them off.

Court. Produce the buckles.

(The buckles deposed to by Mrs. Whitebread, they having been mended three times.)

WILLIAM SMITH *sworn.*

On the 12th of January, Mrs. Carter came to me, to enquire after her maid, and ſaid, ſhe had been robbed; and I went with her to her ſiſter, who directed us to Pear-tree-court, I went there, and did not find her; I came back, and then the ſiſter went with me, and then ſhe went and found the priſoner, I found the priſoner in her ſiſter's room, and ſhe ſaid, do not make a noiſe Mr. Smith, ſhe ſeemed very much flurried; ſays ſhe, I have ſold a pair of buckles belonging to Mrs. Whitebread, and pawned a petticoat for eight ſhillings, which belonged to Mrs. Bunn; and ſhe gave me this white apron, and ſaid, it was Mrs. Whitebread's apron, and bid me give it her miſtreſs. (*The apron depoſed to.*) the priſoner ſaid, if I would go with her, ſhe would ſhew me where the buckles were ſold, and the petticoat pawned.

Did you tell her, if ſhe would confeſs, ſhe ſhould be dealt with mercifully?——No, Sir, I did not tell her any ſuch thing.

Did you threaten her?——No.

GEORGE LANE *ſworn.*

I am a pawnbroker in Holborn, I took in the petticoat of the priſoner, on the 11th of January, and lent her eight ſhillings upon it.

(*The petticoat produced, and depoſed to by Mrs. Bunn.*)

PRISONER's DEFENCE.

When I came to live at this houſe, I did not know what kind of a houſe it was; when I had lived there two or three days, I found it to be a diſorderly houſe; in about five weeks my miſtreſs wanted me to put on theſe things to go out, and ſhe told me to put on the buckles, and bid me fetch the white petticoat off the line; and ſhe told me afterwards, if I would tell her where they were, I ſhould pay her ſo much a week.

Court to Conſtable. Do you know this houſe of Mrs. Carter's, in Maiden-lane?——Yes.

Is it reputed to be a diſorderly houſe?——I do not know.

NOT GUILTY.

Tried by the London Jury before Mr. Baron PERRYN.

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300. THOMAS SAVILL and JOSEPH MEADS were indicted for feloniouſly ſtealing, on the 11th day of February, one ewe ſheep, value 20s. the property of Samuel Nailer:

And ELIZABETH wife of EDWARD SHIRLEY, otherwiſe SAVILL, was indicted for feloniouſly receiving the ſame knowing it to have been ſtolen.

(*The Caſe opened by Mr. Garrow.*)

SAMUEL NAILER *ſworn.*

I live at Ricelip, within four miles of Uxbridge; on the 11th of February, I loſt a ewe ſheep out of my field, it was ſeen over night, and loſt the next morning before eight o'clock; I went round the field, and nigh my hay cocks there was a mark of a man's foot, and a little after that I ſaw where the ſheep had been ſtruggling: I traced the man's foot within a hundred yards of the priſoner Saville's, and Mrs. Shirley's, they live together, the houſe belongs to the woman priſoner; the priſoner Saville lodged there, and the priſoner Meads uſed to diet with them, I got a ſearch warrant and went myſelf with the conſtable, as ſoon as I got to the door, I bolted in and found Mrs. Shirley, and Saville by the fire; I told Mrs. Shirley I had a ſtrong ſuſpicion ſhe had a ſheep of mine about the houſe, ſhe ſaid, there was no ſuch thing, I might ſearch if I would; then ſhe ran away to her bed, and ſaid, it was not fit to be ſeen; we ſearched the cockloft, to ſee if we could find any ſkin or any thing of that ſort, and in the kitchen on a ſwing-ſhelf, I ſaw the inſide fat of a ſheep; the priſoner Saville ſaid, he bought it at Uxbridge, it was the caul of the ſheep, there was a bill down by the oven all over ſuet, and in the place where

where they were ſitting, I ſaw a long cheſt, ſhe ſaid, ſhe had ginger-bread and nuts there, I deſired her to open it, at laſt the priſoner Saville ſaid, take the keys and open it, for I inſiſted on breaking it open; I opened it and there was the ſheep whole only juſt the hind legs cut off in an awkward manner, and a piece of the loin cut out, which they had dreſſed; I could not tell whether it was a ewe ſheep or not, the ſkin was not upon it, after they had been to the Juſtice's, I went back again to the houſe, and ran up ſtairs to the bed, and found a ſkin under the bed with ſome of the wool torn off, it lay upon the ſacking of the bed on the cords; and in a ſack where the bolſter ſhould be, I found the ſkin of my ſheep that was marked S. N.

Could you tell by the ſkin, whether it was a ewe ſheep?——I cannot be ſure, but I am ſure it was my own ſkin, it was hardly cold then, Mrs. Shirley ſaid, ſhe would tell me the truth of all; ſays ſhe, Joſeph Meads brought this ſheep into my houſe in the night, and my huſband received it; they live together as man and wife, but ſhe has another huſband living.

They were not reputed to be man and wife?——Not as we know of, Sir, ſhe ſaid ſhe had been married three or four days; Meads, he run away from the ſaw-pit, he was there when we firſt came to the houſe, and we went to ſeek for him there, but he was gone; he was found on the Saturday night, at Uxbridge, I was before the Magiſtrate when he was examined, I ſaw him make his mark to the paper, and I ſaw the Juſtice ſign it, it was read over to him, and he admitted it to be true, this is the paper, I ſaw the Juſtice ſign it; this is the Juſtice's hand writing.

Was the former examination read to him, at the ſame time?—No, it was not; Saville owned that he helped to dreſs the ſheep, that was brought home in the middle of the night, but he did not know where Meads had it from; I have no doubt of this being my ſheep.

Did you compare the carcaſe with the ſkin that you found on the bed?—Yes, it all fitted.

Court. How came this woman Saville to ſay any thing, what means did you make uſe of to make her confeſs?——I made them no promiſe, that I would not hurt them.

Was any promiſe made to Meads, if he would confeſs it?—He told the people at the public houſe, I do not know who it was that firſt prevailed, I cannot ſay what was ſaid to him.

Recollect yourſelf, was it ſo or was it not?——There was a man talking to him, he might ſay ſo, I cannot ſay, I heard him ſay, tell the truth, he ſaid, it will be the better for him.

Who was that man?——I forgot his name, he lives at Uxbridge, he is not here, but I heard him ſay ſo.

Upon that he was prevailed upon to confeſs?—Yes.

Mr. Garrow. He had given you no account before?—No.

Court. You cannot read that confeſſion.

Mr. Garrow. Did you at the houſe where you found the ſheep ſkin, ſay any thing to Mrs. Shirley or to Saville, about confeſſing or telling the truth?—— I did not, the woman ſaid to me, as ſoon as we found the mutton, now ſays ſhe, I will tell you how we came by it; this Joſeph Meads ſtole the ſheep, and my huſband helped to dreſs it, and it was put into the cheſt; and the priſoner Saville owned he helped to kill the ſheep, when it was brought home.

Mr. Garrow. There had been two converſations with Meads, at the public houſe, about ſheep ſtealing?——Yes.

At the time he made the confeſſion at the Juſtices, about the ewe ſheep of your's, had there then been any thing ſaid to him, like to what my Lord has been ſaying?——Not a word.

Court. I aſk you whether when he made the confeſſion about your ſheep, at the Juſtice's, any thing was ſaid to him, in order to induce him to confeſs?——No, Sir, there was not.

Was

Was not it ſaid to him, it would be better for him to tell the truth?—The Juſtice told him ſo.

Did the Juſtice ſay that before he had given his account or after?—Afterwards.

Court. When he was carried before the Juſtice, what was he accuſed of?——Of ſtealing my ſheep.

Did the Juſtice or any body elſe ſay to him then, it would be better for him to tell the truth?—Firſt the Juſtice examined me, in the preſence of the priſoner, then I told him what I told you, and the Juſtice aſked the priſoner if he had ſtole the ſheep.

Did the Juſtice ſay any thing more to the priſoner?——He aſked him if he ſtole my ſheep, and he anſwered yes; and he told him where and when.

When was it then, that he told him he had better tell the truth?——That muſt be at the laſt.

Upon your oath, had he ſaid ſo before the priſoner had ſaid, he had ſtole your ſheep?——No, Sir, not before, it was after, I am quite clear of that.

(The confeſſion read, ſigned the mark of Joſeph Meads, taken before me Thomas Fellows, to wit, confeſſes this examination, being further examined.)

Court. This is a further examination, which examination do you ſpeak of now, becauſe if the Juſtice made two examinations, one of them was after he told the man to tell the truth.

JOHN MERCER *ſworn.*

I took the priſoner and carried him to the Juſtice's, I was not there when the firſt examination began, nor Churchill was not there.

Court to Proſecutor. When was the examination you talked of?——That was on Friday.

JAMES EWER *ſworn.*

I was preſent with Shirley, I was at the examination of Mead on the Sunday morning.

Was you there on the Friday?——Yes, Mead was taken up on the Saturday night, he was examined a little on Saturday night, I was not there.

Who took him firſt?—Mr. Mercer took him firſt, at the public houſe.

Mercer. He was taken up on Saturday, in the afternoon.

Did he ſay any thing about this matter before he was taken to the Juſtice's?——I ſaid to him, Joe I am ſorry to ſtop you, I am ſorry for what you have done, he ſaid, he was ſorry for it himſelf.

Did you ſay, I take you up for ſheep-ſtealing?——He heard me ſpeak of it in the houſe.

Court. You took Meads up?—Yes, at the Marquis of Granby, at Uxbridge.

Did you tell him what you took him for?—I told him as ſoon as ever the conſtable came to take him in poſſeſſion, that it was for ſtealing Mr. Nailer's ſheep, I am ſure of that.

What did he ſay to that?—I cannot tell the words particularly.

To what purpoſe?—No otherwiſe than that he ſeemed to be very ſorry for it for it.

What did he ſay?——I cannot recollect the words, but in the diſcourſe while we ſat there, I ſaid to him, now Joe was you the perſon that ſtole the ſheep or Thomas? no, ſays he, I did not ſteal it, Thomas did it, and I was with him, and he caught it behind the hay-cock.

Had you ſaid any thing to him before, that he had better confeſs?——No.

Was you ever preſent when Saville was examined?——No.

Did he give you any directions about where you might find any thing?——Afterwards, but not before he was examined a ſecond time.

WILLIAM CHURCHILL *ſworn.*

I went with Mr. Nailer to execute this ſearch warrant, Saville and the woman both ſat by the fire, I told her I had a ſearch warrant, to ſearch for a ſheep, ſhe ſaid, ſearch and welcome; and the firſt thing we found was the caul on the ſhelf,

In ſhort the ſtory Mr. Nailer has ſaid, is true.

When Meads was there before the Juſtice, did you hear the examination read to him?——I heard the paper read to him.

What did Saville ſay?——He ſaid he knew nothing of the matter at firſt; but after we found the ſheep, he ſaid, Meads came there ſome time in the night, and called him up, and he ſaid he got it downright honeſtly, he ſaid it was alive, and he helped to kill it; the woman ſaid, ſhe knew nothing of the matter, ſhe ſaid, at eight ſhe ſaw it in a box.

Court. Did Saville always continue in the ſame ſtory?——Yes, Sir, all the while I was there.

JAMES EWERS *ſworn.*

I went on Sunday morning, to hear Meads examined before the Juſtice, I heard Saville examined, he ſaid, he knew nothing at all about it, any otherwiſe than Meads brought this ſheep ſome time in the night, and he let him in; for he owned that he helped to kill it.

PRISONER SHIRLEY's DEFENCE.

My huſband was in bed, and went to bed that night; I was married the Monday before Shrove Tueſday, at Marybone.

Court. Have you any proof of that?—I was married at Marybone, there were ſix couple married at the ſame time; they told me I might have my certificate for eighteen pence, the woman that had the keys of the church ſaid ſo.

PRISONER SAVILLE's DEFENCE.

She is my wife, I married her the Monday before Shrove Tueſday.

How came you not to get a certificate of your marriage?——We were ſhort of money, we had but two-pence when we had been married.

Court to Mrs. Shirley. Have not you another huſband?——I do not know what is become of him, he went to America five or ſix years ago; I have not heard any thing of him theſe ſeveral years.

Court to Proſecutor. Do you know any thing of her former huſband?——They tell me he is living now, and lives near London; they ſay, he is in the City Militia at this time.

JOSEPH MEADS, GUILTY Death.

THOMAS SAVILLE, ELIZABETH SHIRLEY, } NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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301. The ſaid Thomas Saville was again indicted for feloniouſly ſtealing, on the 19th of January laſt, one ewe ſheep, value 20s. the property of Jaſon Wilſhin; and the ſaid ELIZABETH SHIRLEY was again indicted for feloniouſly receiving the ſame, knowing it to have been ſtolen.

SAMUEL NAILER *ſworn.*

Joſeph Meads was taken into cuſtody, on the 12th of January.

Court. Don't tell us what he ſaid, he is convicted?——I don't know any thing beſides what I heard from him.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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302. JAMES OAKES was indicted for feloniouſly aſſaulting Thomas Drake on the King's highway, on the 10th day of February laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, four pieces of printed callico of the length of one hundred and twenty yards, value 18l. the property of Robert Martin.

(The witneſſes, except the Proſecutor, ordered to withdraw by the deſire of Mr. Chetwood, Priſoner's Counſel.

THOMAS DRAKE *ſworn.*

I am a porter to Mr. Martin, No. 36,

Cateaton-ſtreet, a Manchester Warehouſeman; on Thurſday the 10th of February, between eight and nine, I went with a load to Well-ſtreet, Wellcloſe-ſquare, it was about eight when I was at Well-ſtreet, I ſet off about ſeven o'clock from our houſe, and I always reckon an hour to go there and back again; I went there with a load, and I had four pieces of printed callico to bring back, the pieces contained twenty-eight yards each, they are of the value of 18l. 4s. Mr. John Craydon of Well-ſtreet gave them to me, they were the property of Mr. Martin, they were our patterns; I had carried them to Mr. Craydon's for him to look at.

How many days before had you carried them?——I cannot ſay the particular day.

Can you ſay with certainty that theſe are the ſame goods you carried a few days before?——Yes. As I was coming down Well-ſtreet I met the priſoner, I never ſaw him before to my knowledge, he appeared to be very much in liquor, he aſked me the way to Thames-ſtreet; I aſked him what part of Thames-ſtreet? he ſaid, pretty near Black-friars; I told him to return again with me, for he was going quite the reverſe way; he then aſked me to let him carry my load, which I refuſed, he then aſked me to go into a public houſe and drink a glaſs of gin, which I refuſed; he ſaid he was going to Great St. Thomas Apoſtle's; I told him I was going part of the way, and I would ſhew him as far as I went; he came along Fenchurch-ſtreet, along Lombard-ſtreet, and along the Poultry, as far as the top of Queen-ſtreet, Cheapſide; there I directed him and left him, but when I got down King-ſtreet, about half-way, he overtook me, and came right front me, he then got hold of my load, and got it off my head, and ſaid, he inſiſted on having it, and he ſtopped me when he did this; I reſiſted him, there was a ſtruggle between us for a very ſhort time, he ſaid ſomething to me, but I cannot repeat the words; I got it from him again by a ſudden pluck, and being near home, I ran as faſt as I could.

How long had he it?——But a very little time.

Had he it compleatly from you?——I had hold of it with one hand, I never let it go compleatly, but he had it in his arms.

Was it ever out of your poſſeſſion at all?——No, I cannot ſay it was; as ſoon as I felt it go, I immediately ſnatched it with my hand.

When you ſnatched it with your hand, it was clear from your head, was it not?——Yes, quite gone. I ran home with it as faſt as I could, and he ran after me to my own door, and took it away again, he had it then compleatly; I let it go, and ſecured him; when I ſecured him he had the bundle.

Did he ſnatch it the ſecond time?——He laid hold of it, I made no reſiſtance, but caught hold of him and rung the bell inſtantly; the door was open, he let go the bundle, it went to the ground, and I pulled him into the houſe; I never loſt ſight of him, the priſoner is the man; he was with me altogether about a quarter of an hour, and when I got him into the warehouſe he fell down and appeared to be drunk, then he got up and fell down again, and appeared to be very drunk.

Did it appear to you from the whole of his conduct to you that he really was drunk, or that he ſhammed drunk?——He appeared to be very drunk when I firſt met him, but when I met him in King-ſtreet, he appeared to be very ſober.

Mr. Chetwood. You have enquired, I believe, where this man lived ſince?——Yes.

You find he lives in Saint Thomas Apoſtle's, as he ſaid?——Yes, his dwelling houſe is there, he told me ſo that night, I have heard he is a houſekeeper there, and has a penſion from government, and is a ſhoemaker, and is diſordered in his head at times.

Did not you hear he was diſcharged the army for it?——No.

Did not he ſay it was his leather?——No, never.

Did

Did not he ſay it was a bale of leather?——No.

Did he ſay it was his bale?——No.

What did he pull it off your head at your own door?——I had it in my arms.

Was it a heavy bundle?——No not very heavy.

There were a great many people about at eight at night?——No there were not.

Did not you really ſee and perceive that he was very drunk in the warehouſe?——He ſeemed ſo then, but not in the ſtreet.

It was not very eaſy for a man to ſnatch that from a ſtout young man like you?——He did not ſnatch it quite from me.

Did you obſerve any body with him?——I did not, I heard a voice.

Did not he tell you he had loſt ſome leather that evening?——No, he told another perſon.

JOHN TURNER *ſworn.*

I am warehouſeman and clerk to Mr. Martin; on Thurſday evening the 10th of this month the priſoner was brought into our warehouſe by the porter Thomas Drake, between eight and nine, about half after eight; the priſoner when he came into the warehouſe, at firſt ſeemed to be exceedingly in liquor, and I being at ſome diſtance went to the priſoner, he was reeling againſt a pack of ſheeting, I went up to him and told him it was exceedingly hard that our men could not go about the ſtreets like other porters without being ſtopped by him, to which he ſaid at firſt, he did not ſtop him; I then told him I was ſure he would not have been brought there if he had not; he ſaid the reaſon he ſtopped him becauſe he had loſt a large quantity of leather; I told him that was a very wrong way of looking for his leather, that he ſhould apply to the public office, and not ſtop porters; to which he ſaid he had applied to the public office in Bow-ſtreet, and ſaw Sir Sampſon Wright; I ſaid then his name was upon their books; to which he ſaid his name was not down; he then told me he was a very good kind of man, and ſaid he rented two houſes, the one he let out, and the other he occupied himſelf, one he ſaid was in Saint Thomas Apoſtle's, and the other in a court near there, but I have forgot the place; I am ſure he ſaid one was in Saint Thomas Apoſtle's.

Did he ſay where he lived?—I think he ſaid in ſome court in that neighbourhood. I told him I was afraid he was not looking for leather at that time of night; and he ſaid he ſhould not give me any anſwer, for I intended to take an advantage of him, I told him that was far from our intention.

Did he really appear to you to be drunk or not?——When he went away he did not.

Is that Mr. Martin's chintz?——I cannot poſitively ſwear to it, we had ſome of them in the houſe ſome few days before, ſome of the pattern was given to the porter to ſend to Mr. Craydon.

Mr. Chetwood. Had you good nature enough if the man was in liquor, before you ſent for an officer, to ſend to ſee if he lived there, and was a man in credit?——We did not.

How came you not?—I do not know it was my buſineſs, if I had left the warehouſe it would not have been proper.

You know you ſaid you did not want to take any advantage of the man?——I have heard ſince that he does live there, and has the leaſe of a houſe.

Did you ſearch him there?—No.

Was he ſearched in your preſence?——He was not, he was ſearched at the Poultry Compter.

What was found upon him?——I cannot tell, becauſe I was not there.

Have not you heard?——I would not go by hearſay, I heard he had a new pair of ſhoes in his pocket, and a ſize-ſtick to take meaſure by.

HENRY SOAME *ſworn.*

I am a tallow-chandler, on the 10th of this month I was going down Cateaton-ſtreet, where I live, and I ſaw a man running after Mr. Martin's porter.

How far might he run after him?——I ſup-

I ſuppoſe I did not ſee him run above twenty or thirty yards.

Deſcribe to us how he ran?——Each of them ran as hard as they could to all appearance, the priſoner was behind.

Should you have taken him by his running for a drunken or a ſober man?——Moſt certainly for a ſober man.

Then at this time there was nothing appeared to you that ſhould make you think that the man was in liquor?——There was not, Mr. Martin's porter caught hold of his maſter's bell at the door, and pulled it ſharply, by that time the priſoner overtook him, and there was a great ſtruggle between them at the door, the door was opened, and Mr. Martin's porter pulled him into the houſe, and the door was ſhut, I ſaw a parcel which the porter had when he was running, but I did not ſee what was done to it by any body; the door was ſhut after he had dragged him into the houſe, and the parcel ſhut out of doors; I pulled the bell and ſomebody came and pulled the parcel in doors.

Did you ſee the priſoner do any thing to the parcel?—I did not.

Was you ſo ſituated that you might have ſeen it?—I believe I might.

Did they paſs very quick?—Very quick.

Did you go into the houſe?—I did not.

Look at the priſoner, is that the man?——I cannot ſwear that is the man, it was ſo dark.

PRISONER's DEFENCE.

I remember nothing of it, from the time I was in the public-houſe till I was a priſoner, I do not remember ſeeing the face of any mortal.

SAMUEL LAWE *ſworn.*

I live at the Sun in Roſemary-Lane.

Did you ſee the priſoner on the 10th of February at your houſe?—To the beſt of my knowledge it was this day fortnight, he was with ſome company, and he had ſix or ſeven pints of beer, he went away about ſeven, he appeared to be rather diſguiſed, I knew nothing of him before.

What time did he leave your houſe?—To the beſt of my knowledge it was between ſeven and eight.

Did he come away by himſelf?—Yes, to the beſt of my knowledge.

Had he any ſhoes about him?—None that I ſaw; he told me in diſcourſe he was a ſhoe-maker, and kept a green-ſtall.

How long might he be in your houſe?——I ſuppoſe he might be there from between three and four to that time; he told me he came to look after a Jew that owed him ſome money; I never ſaw him before, but the next day his wife came and enquired about it, and told me he was taken up, and ſhe ſaid he kept a green-ſtall and ſhoemaker's ſhop.

How long have you kept that houſe?—About eight months, I married the widow.

BENJAMIN DODSWELL *ſworn.*

I live in Tothil-fields, I am a tanner, I had twenty ſeal-ſkins for the priſoner to tan.

What became of thoſe ſkins?——He had ten of them away, and the other ten I ſent him, and he would not take them in of my man, he ſaid they might not be the ſkins.

Have they not been loſt by ſome means or other?—I cannot ſay.

Where not theſe ten ſkins by ſome miſtake ſold to a man in Weſtminſter, who was a quaker?——There were ſeven, and they were returned to the priſoner, and he would not accept of them, there were ſome done, but they lay and rotted, therefore I thought it was better to ſell them.

Did not you declare that he had acted like a madman in this affair?——He did not behave in a proper manner.

Did he appear like a man that was a little touched in his head?——I cannot ſay he behaved in a proper manner the two or three laſt times I ſaw him, he appeared like a madman more than any thing elſe; I thought he was very much out of the way when I ſaw him.

Court. How long have you known this man?—About twelve months back.

Do you know where he lived during that time?———He told me he lived at Knightſbridge.

Mr. Chetwood. I believe he removed from Knightſbridge?——My man brought me word that he was failed for debt, and run away from there.

What ſkins were theſe?—Seal ſkins.

Are they uſed by ſhoemakers?—Yes.

How many of theſe ſeal ſkins did you return to him?——Ten, and he ſaid there were but eight, the other ſeven were ſold to the Quaker's in the Broad-way, and the other three were not dry.

What became of the other three?——I ſent the ten to him and he refuſed taking them, he was then laying in bed, and would not ſo much as ſee the man, nor ſuffer the ſkins to be taken into the houſe.

DANIEL BLANY *ſworn.*

I have known the priſoner between two and three years, he belongs to the ſociety that I am clerk of, he has belonged to that ſociety two years, the 19th of laſt September.

What is the name of that ſociety?——The Rodney Society, a benefit club in caſe of ſickneſs: I have ſeen him many times when he has drank more than he ſhould do, when I have ſeen him what I call drunk; he ſometimes has got up and danced about the room more like a mad man than any thing elſe, but I never ſaw any harm of him, nor never heard any ill of him before this affair; I knew him when he lived at Knightſbridge, but his home is now in St. Thomas Apoſtle; he is a ſhoemaker by trade, but his wife follows green grocery, I have heard he had a leaſe of the houſe, and I did ſee the leaſe, it was made to him by the name of James Oakes.

SAMUEL MITCHELL *ſworn.*

I live in Bedford-ſtreet, Covent Garden, I have known the priſoner near three years, I belong to the ſame ſociety, I am a ſhoemaker, and he is a ſhoemaker; I never heard any thing amiſs of him in my life, he always was a very juſt upright man, he has received ſome wounds about his body and head as I have been told, and when he gets a little in liquor he is more like a man that is fit for Bedlam which I have ſeen.

Can you call him a reaſonable man?—I have ſeen him diſtracted when in liquor, and acted like a mad man; with the value of three or four pints of beer he was not fit for the company of any reaſonable man; liquor did not take the ſame effect with other men, he has appeared to me to be ſober when he came there, and in a very ſhort time he was like a raving mad man.

Court. Have you yourſelf ever drank in company with him?—Yes, many times drank a ſmall quantity of beer.

What ſtate has he been in then?—Not fit to keep reaſonable men company; I believe, and am almoſt ſure he was a ſoldier, becauſe I have ſeen him with ſome of the ſame regiment.

THOMAS EDWARDS *ſworn.*

I live at No. 5, near Lamb's Chapel, near Cripplegate Church; I have known him near two years, I do not belong to any club with him, I have been in his company ſeveral times; when he is in liquor he is like a man out of his mind, part of three or four pints of beer would do it, I have often ſeen it; he is a very honeſt man and works for me and my children, and he does me a deal of juſtice: when he is in liquor he is rather like a man out of his mind ſeemingly to me.

What are you?—I am a hackney coachman, and rent a houſe of fourteen pounds a year.

WILLIAM DOWN *ſworn.*

I am a taylor, I am attending here on another trial, I was much ſurpriſed to ſee the priſoner here, I knew nothing of this; I have known him between two and three years, but when he is in liquor, he is

moſt extraordinary being I ever ſaw in my life.

(The diſcharge of James Oakes read, ſigned James Huſſey.)

GUILTY

Of ſtealing, but not violently from the perſon.
Tranſported for ſeven years.

Tried by the London Jury before
Mr. ROSE.

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303. WILLIAM WESTON was indicted for feloniouſly aſſaulting Joſeph Birch on the king's highway, on the 31ſt day of January laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one canvaſs purſe, value 1d. and nine ſhillings in monies numbered, his property.

(The witneſſes examined apart.)

JOSEPH BIRCH *ſworn.*

I am a waggoner, on the 31ſt of January laſt, I was on Finchley Common, my waggon had been gone on before two hours, and I was coming after, and at the corner of Brown's Wells, near the ſeven mile ſtone, I was met by two footpads armed with two piſtols; they laid hold of my horſe, and bid me deliver my money, or they would blow my brains out; I ſaid I had not much but what trifle I had they ſhould be welcome to, and not giving it as ſoon as they ſpoke, one of them ſaid, in a minute Sir, I will blow your brains out; I delivered my money, nine ſhillings in a canvas purſe; then he looſed my horſe and bid me go, I ſaw him again that night, that was the priſoner, the other got away.

Court. What time in the evening was it?——Seven, it was dark then.

Quite dark?—Quite dark.

Had you ever ſeen the priſoner before?—Not before then.

Were their perſons diſguiſed?—No they were in their proper dreſs.

You ſay it was dark?—*It was not dark, it was a freſty night and very light.*

I think you ſay that the waggon had gone on a conſiderable time before?——I ſuppoſe it was near two hours before, we had loſt a dog, and I had ſent off the other man; I was at our inn, the Caſtle in Wood-ſtreet all the time.

Had you drank freely?—I was perfectly ſober as I am now; I rode to the Swan and Two Necks, which was about a mile, and the hoſtler ſaid Joe, have you been ſtopped? I ſaid yes, and the landlord came and aſked me; and Richard Spencer was there, and he perſuaded me to go and ſeek for the man, ſays he, I have been ſtopped, and I ſhould know one of them; we went to the place where I was ſtopped, I ſaid Richard this is the place, and we looked acroſs the common a little diſtance, and ſaw a man ſtanding, ſays he, this is the man, and there was another, he ſaid halloo, but he would not ſpeak; he ſaid damn you, but I will make you ſpeak, and we ran after him directly, and they took to their heels and ran; we purſued them about fifty or ſixty yards, and Richard had an iron poker in his hand, and he threw it at one of them, whether he hurt him or no I cannot tell, but they divided; he ran after one, and I after the other; when he purſued him he turned again, and fired upon him, I ſaw the flaſh, the other that I purſued jumped into a little brook, and I jumped after him, and he got away; then Spencer called for my aſſiſtance, he had a man down, and I came up and there was the priſoner; when I came there he ſaid damn him, he has ſhot at me, hold him while I put the piſtol in my pocket; the priſoner is the man, but he has not the ſame dreſs on now.

Court. Can you venture to ſwear that thoſe two perſons, that you found on your return, were the ſame two that robbed you?—Yes, that I ſafely can.

Why you ſay you never ſaw them before?—*I have ſeen him before in my travels*, but I did not know that he was the man then; he might be the value of two minutes

in

in robbing me, I will venture to swear that he was the man, so help me God.

In the former part of your examination, you told me that you had never seen the prisoner before in your life? now you say you have seen him before?—I have seen him pass on the road before, I know his father very well by sight, I never conversed with him, nor had any acquaintance with him.

RICHARD SPENCR *sworn.*

Do you know the prosecutor Joseph Birch?——Yes, I was in company with him on the 31st of January, on Finchley-common, at Mr. Farling's, Brown's Wells; I took the prisoner within a hundred yards of Brown's Wells, I am servant to Madam Lucy, on Finchley-common, I had been at London, and was returning back at the time; I did not stop at this public house, but I met with the prosecutor on the road, at the side of the Common, about two hundred yards.

Did you enter into conversation with the prosecutor?——None while I took the prisoner.

How came you and the prosecutor to meet that evening?——We met just as the accident happened, at the Swan and Two Necks; I made my home there that night, my mistress was in town, we had been with my mistress's goods that night to town; the prosecutor came in, and said, I am robbed of nine shillings, says I, I will go back with you, if you will go with me; I have known the prosecutor these good many years, I took the poker out of the fire, and went back with him, and within about two or three hundred yards of Brown's Wells, there were two persons standing, and I said halloo! and they made no answer, and I said, halloo! again, and they made no answer; and I made up to them, and the one run one way and the one the other, I pursued one and Birch the other, and the one I pursued turned round and fired his pistol at me, that was the prisoner, that I am sure of; the pistol flashed in the pan, but went no further, I tripped up his heels and threw him down, and took the pistol from him; here is the pistol, he run it into my side when I kicked his heels up; we took him into Brown's Wells, and went to seek for a constable; and then two others fired at me, we kept him in custody, and he was afterwards carried before a Magistrate, and committed.

Prisoner. When I was before the Justice, he swore I fired at him three times!—I never said such a word, I said, he fired at me with his pistol, and the other two fired at me as I went along; I had two more pistols attempted to be fired at me, the one made a report, and the other did not.

PRISONER's DEFENCE.

I was going down to Barnet to my uncle, and the other side of Brown's Wells, two men came up to me, and said, halloo! and I made no answer; and they immediately followed me, and said, life for life, and I immediately run off, and they followed me.

How do you get your living?——I have been a gentleman's servant lately.

Was you in service at this time?——I was out of service, I was going to my uncle who lives at Barnet, I have witnesses to my character.

The remainder of this Trial in the next Part, which will also contain (amongst others) the remarkable Trial of Monsieur JACQUES PHILIP HARDY, Secretary to the Compte de Mirabeau, with the evidence verbatim, of Mademoiselle Amelia Henrietta Van Haren, Spinster, Sir Gilbert Elliott, Baronet, and others.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Weſton.

The Rev. WILLIAM ROMAIN the younger *ſworn.*

I am ſubpœned to this man's character; I have known him perſonally about three years, I am a clergyman, I live in Berkſhire now, but at the time I knew him, he lived with me at South Mims, near Barnet; he was footman to me, for I believe more than a year and half, he was a very ſober ſervant, and I believe, very well thought of by every body in the neighbourhood, as well as in our family; he has left my ſervice about a year and four months, as near as I can recollect; I viſited at the gentleman's houſe that he went to live with, which is this gentleman, Mr. Caſamajor.

—— CASAMAJOR, Eſq. *ſworn.*

I have known the priſoner about fourteen months, he lived as a ſervant with me about eight months; he quitted my ſervice about the middle of laſt July, he had an exceeding good character while he lived with me, and was a very good ſervant; he gave me warning, he underſtood nothing of horſes; I never heard of him till about a fortnight or three weeks ago, his uncle applied to me.

Then from July you are a total ſtranger to the manner in which he conducted himſelf?——Yes.

What way of life is his uncle in?—He is a barber, a very reſpectable honeſt man.

Court to Priſoner. I will examine any more witneſſes you may think proper to call, but after two ſuch reſpectable witneſſes as theſe, it does not ſeem to me that you want any more witneſſes to character.

THOMAS PARSLEY *ſworn.*

The priſoner was an apprentice to me, I am a barber and hair-dreſſer, my wife is related to him; I have known him for a courſe of years, he behaved very well to me, and has been with me to and fro eight years; I left off buſineſs and gave him his indentures up.

Has his general reputation been during the time that you have known him, that he was an honeſt young man?——I knew nothing to the contrary.

Did you ever hear any thing to the contrary?—No, Sir, I never knew any thing laid to his charge that he was guilty of.

WILLIAM BISBURGH *ſworn.*

I have known him ſeven or eight years, I never

never underſtood his character to be any thing but very good, I never heard any thing bad of him in my life; I ſhould have truſted him as ſoon as any man I know upon the face of the earth.

Court to Priſoner. Have you any witneſſes to give the Jury an account why you were at that place at that ſeaſon of the night?

Priſoner. My Lord, I was rather late, I was going to Barnet to ſee my uncle.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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304. JAMES COYLE was indicted for feloniouſly aſſaulting William Wickham, Eſq; on the King's highway, on the 7th of February, and putting him in corporal fear and danger of his life; and feloniouſly taking from his perſon and againſt his will, one watch made of gold, value 15l. one ribbon with a medallion with hair therein, ſet in gold, value 30s. three ſtone ſeals ſet in gold, value 3l. one metal watch key, value 6d. and twenty-eight ſhillings in monies numbered, his property.

(The Caſe was opened by Mr. Abbot.)

WILLIAM WICKHAM, Eſq; *ſworn.*

On the evening of Monday the 7th of February, I paſſed through Covent Garden, meaning to turn down Bridges-ſtreet, but the carriages were ſo thick I did not go down; I went down Little Ruſſel-ſtreet, which leads into Drury-lane: I was quite alone; I had at that time, a gold watch, a ribbon with a medallion with hair ſet in gold, three ſtone ſeals ſet in gold, and one baſe metal watch key gilt with gold, one guinea in gold, and twenty ſhillings in ſilver; when I was in Ruſſel-ſtreet, I took my watch-chain and buttoned it in my breeches pocket, I had not ſeen my money ſince I left Mancheſter-ſquare, but I know I had it that afternoon; I buttoned my coat to the bottom, and put my hands in my coat pockets, and covered my breeches pockets with my coat pockets; I intended to go among theſe men, I ſaw eight or ten men puſhing about at the mouth of a court, which is directly oppoſite to the ſtage door of Drury-lane playhouſe; I preſume it muſt be near eleven, the King and Queen at that time came out, and the footmen were ſtanding at the back of the carriage, which was quite light by the number of flambeaux; I attempted to paſs through the horſemen, to get on the other ſide, then I was quite cloſe to the horſes; I am not ſure, but I think one of the guards put his hand down and ſtopped me, but perhaps it might be one of the horſes, for they ſtood very cloſe; I then ſtepped back to the pavement, meaning to go all the way back to Long-acre, rather than go through them; as ſoon as I ſtepped back, either one or two who were behind me, nearer Covent Garden, but I think there were three, had got below me, to puſh me into the thick of the mob.

Was the priſoner one of theſe two or three people?——No, certainly not.

Did you keep your hands in your pockets, Sir, all the time, or how long?——I kept my hands in my pockets ſome time, I cannot ſpeak with any certainty as to the time, but I took them out to ſecure myſelf, as I was puſhed about for the ſpace of two minutes; I am quite ſure the priſoner was one who puſhed me, when I was amongſt theſe people, I knew him again the next morning; I was raiſed off my legs, I was apprehenſive I ſhould loſe my balance and fall under the horſes feet; they got under my arm and raiſed me up.

In what manner was you lifted up, with a degree of violence?——Very much ſo, I ſuſpected what the caſe was, and I was determined to keep my hands on my pockets as long as I could; on putting my hands down again, which I did inſtantly, I found my left hand pocket turned inſide out; I put my right hand down, and in putting it down, I caught a man's wriſt, I almoſt inſtantly put down my left hand, but not my right quite ſo ſoon; my money was in breeches pocket, and putting down my

right

right hand I caught a man's wriſt, I cannot ſay whether in my pocket or not.

Court. Whereabouts did you catch that hand?—I cannot ſay with any certainty, I put my hand down to ſecure my pocket, and I caught hold of his wriſt, that was the hand of the priſoner; I kept hold of his hand four or five minutes before I ſecured him, the moment I got hold of him, one or two preſſed upon me, I reached my left hand over them, and caught him by the collar, I held him there for ſome time, the reſt attempting to get him out of my hand by all the means they poſſibly could.

Did any converſation paſs at this time between the priſoner, whoſe hand you caught, and the other man?——Oh, frequently, the words, "pull him up the court," or "pull me up the court," were frequently repeated; the priſoner was talking to them the whole time: I have no recollection of what the priſoner ſaid, they repeatedly ſpoke to one another, the priſoner ſeemed very anxious to eſcape, he turned his head the other way; I tore his coat entirely off his back, and his ſhirt too before I got him ſecured; I called out repeatedly for aſſiſtance, but I believe the Horſe Guards dare not diſmount, as the King and Queen were expected out; the priſoner's coat, and part of his ſhirt, and part of his neckcloth came off in my hand; the moment I got him out, I had him in my left hand, and he got from me a little way, about a yard or two I ſuppoſe; I immediately ſprung after him, and caught hold of him by the hair of his head, and pulled him backwards as well as I could, and I believe at that moment one of the guards diſmounted, and I dragged him between the horſes; I am ſure this is the man, I never loſt him for an inſtant, except that moment that he was out of my hand, and I caught him again; when I dragged him between the horſes, two of his companions followed me between there.

Were theſe two of the men you ſaw puſhing?——I cannot ſay, though I have very little doubt of it in fact; one man ſtruck me twice on my breaſt very hard, ſo hard that if he had had room for a blow he muſt have knocked me down, that was evidently with intent to reſcue him; one man I ſhould know again wherever I ſaw him; I went with him to the Brown Bear in Bow Street, he was there ſearched, and nothing found upon him, I could not ſearch him before; I ſaw no watchman all this time.

Mr. Keys, Priſoner's Council. I think this tranſaction happened at the moſt critical time, when the ſtreet is moſt crowded?——Yes, there was a large concourſe of people got together.

The foot path is extremely narrow?—Yes.

You ſay you was very much confuſed?—Certainly.

You was apprehenſive you might meet with a loſs thereabouts, therefore you took every poſſible precaution?—Yes.

Then the fear of loſing your property, neceſſarily took up a great part of your attention?—Undoubtedly.

Court. Did you ſee any puſhing and ſhoving about till you came up to them?—I did not.

Are you ſure of that?—Yes.

JOHN TOWNSEND *ſworn.*

I attend the Public Office, in Bow-ſtreet; on this night I was juſt coming up towards Bow-ſtreet, and I heard that gentleman had juſt loſt his watch and money, I believe it was eleven o'clock, and I ſaw a vaſt crowd of people all ſtanding together, where I ſuſpected the place muſt be; I immediately made up to the man there, and ſaw the priſoner at the bar in cuſtody of the conſtable of the houſe; the proſecutor immediately gave me a blow on my breaſt, and I fell a little backwards, and I called out to the conſtable to take him to Bow-ſtreet, to the Brown Bear, and there I ſearched him, I found nothing on him.

Did he ſay any thing?—He forced his diſcourſe to me, and ſaid Townſend I never was near the gentleman at all, I am not guilty; his cloaths were torn very much.

Had you come up to the crowd by that time?—Yes, I ſuppoſe not above a minute

or two before; I was at the croſſing where the robberies generally are done, and there was ſuch a mob, and ſo many coaches, I could not get up at any rate, till I came almoſt to the corner of Bow-ſtreet; when I received a blow from the proſecutor, I was cloſe to the corner of Bow-ſtreet, the priſoner was then in cuſtody of Blandy, I did not ſee the priſoner and the proſecutor at any time, till I ſaw the priſoner in cuſtody.

Are you quite ſure as to the perſon of the priſoner at the bar?—Yes, I am.

Mr. Keys. How long have you been an officer at the office?—Two years.

You know there is a reward?——I dare ſay you would not wiſh me to ſay I do not.

So the proſecutor miſtook you for one of the gang, and hit you a blow on the breaſt?—He did hit me.

There was a vaſt croud of people?——A great number, as there always is.

When the King and Queen are there, the crowd is greater than ordinary?—Yes, certainly.

Then how many people do you imagine there may be generally about the ſtage door, when the King and Queen are coming out?——I cannot tell.

Several hundreds?——I do not ſay that.

Are there a hundred?—I cannot ſay on my oath.

Are there fifty?——There may, fifty is a great many.

You found nothing on this man?—No.

Mr. Abbot. Pray whereabouts was that crowd that you mentioned?——Oppoſite where the King comes out.

Where were you ſtruck?——Juſt by the corner of Bow-ſtreet.

CORPORAL ELLIS *ſworn.*

I am a corporal in the Life Guards, I was on guard at the Play-houſe, nearly oppoſite the door where the King comes out, my face was towards the Play-houſe door.

Did you ſee any croud in the ſtreet at that time, before you or behind you?——I did not ſee much, I heard a buſtling ſeveral times there, I turned my head round, and ſaw a gentleman, the proſecutor who ſtands there, in diſtreſs; I called to him once or twice, and made an interval to get him between our horſes; the proſecutor was a little to the right of me, but he was ſo engaged he could not pay attention to me.

What was he about?—I ſaw that they were going to do him an injury, I drew my ſword, and cut at ſeveral of them with the broad part of my ſword, they appeared to me to be ſhoving him about; as I was uſing my ſword, and hitting them over the arms and ſhoulders, the proſecutor called to me, and ſaid, ſoldier, I have got hold of the man that robbed me, I beg you will aſſiſt me to take him; I returned my ſword into the ſheath, and ſeized the priſoner at the bar behind the neck, I am ſure of the priſoner; the captain called to me and aſked what we were doing, upon that I let my hold go, and ſays to my comrade, get off your horſe and aſſiſt the gentleman to take him, he got off and ſecured him, the priſoner was brought into the line and carried acroſs the ſtreet; two men followed him, but I ſaid to them, if you do not go back, I will cut you down.

Did theſe two men appear to you to come to aſſiſt the gentleman?—It did not appear ſo to me, it was not very eaſy to paſs backwards and forwards.

Did the people you ſaw behind you appear to be paſſing onwards or backwards?—It was impoſſible for any body to paſs by at that minute.

Mr. Keys. There generally is at that time a number of people to ſee their Majeſties come out?——Yes, it is very uſual when they are juſt expected.

Then a perſon might be very honeſtly puſhing and ſhoving to get that ſight, without any bad intention whatever, that is a thing that frequently happens?—I ſaw no great puſhing, they were looking with their faces that way, I ſaw no ſhoving but by this party, but I have ſeen people crowd; I had my eye on this tranſaction about half a minute, before I was called to make the obſervation I did; my attention is directed to the King and Queen when they are coming out.

THOMAS STONE *sworn*.

I am a life-guards-man, I recollect being at the Play-house on Monday was a fortnight, in little Ruſſell-ſtreet, facing the ſtage door where the King and Queen go in and come out; there was a crowd behind, I had been remarking a crowd, and remarking about nine or ten people; the firſt I ſaw was a kind of girl, or a very little woman that had got among them, that they were ſhoving along, I heard ſome of them call out turn her up the court, ſhe begged for mercy, and ſaid they would almoſt kill her; this crowd was juſt behind me, oppoſite the ſtage door, then I looked towards the ſtage door for two or three minutes; I then ſaw them huſtling a gentleman's ſervant in livery, and a woman, when they came oppoſite to me, ſhe begged to get out of the crowd, and ſome of them ſtooped down and picked up her patten, and followed her and gave it to her; theſe people were ſtanding behind, and I was remarking them; I then kept looking behind me, and ſaw them coming again, ſome of the ſame people I had ſeen before, and I ſaw a gentleman amongſt them, I ſaid to the corporal only look now, you never ſaw ſuch a ſet of rafcals, they have now got a gentleman whom they are uſing very ill, the corporal then drew his ſword, and ſtruck at one of them, and drove him to his horſe, which I believe was the perſon the gentleman had hold of; and I diſmounted my horſe, the proſecutor is the gentleman, I cannot tell whether I ſhould know the man that he had hold of, I was in ſuch a flurry in getting off my horſe, and the captain at the ſame time ordered me to mount my horſe, and aſked me what buſineſs I had off.

Had the gentleman hold of this perſon whoever he was?——Yes, he had, he did not let him go afterwards while I ſaw him.

Mr. Keys. Then the people were ſo far from behaving diſhoneſtly, that you ſaw them give the woman her patten?—Yes.

WILLIAM NORTON *ſworn*.

I am a life-guards-man, I was on duty this night next to the laſt witneſs, I ſaw a croud in the ſtreet behind me, all I ſaw was a great many people that were going by, and I ſaw the laſt witneſs aſſiſt the proſecutor in pulling the priſoner out, the priſoner is the man I am ſure, I took notice of him, they huſtled every body that came by, it is common at thoſe times.

PRISONER's DEFENCE.

I have ſome gentlemen at the door, I am as innocent as the child unborn; I had been at work very hard that day, I was juſt come out of a public houſe.

The priſoner called two witneſſes to his character.

GUILTY, *Death*.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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305. THOMAS WEST was indicted for feloniouſly returning from tranſportation, and being found at large, on the 4th of February, in the pariſh of Hendon, before the expiration of the ſaid term, againſt the ſtatute.

DANIEL BUSHNELL *ſworn*.

I am gaol-keeper at Reading, I ſaw the priſoner tried and condemned, and he afterwards broke out of my gaol; he was brought from Newgate by a habeas, he was in gaol about a month before the aſſizes, and then till the 30th of November, then he broke gaol with ſeveral more priſoners; I can ſpeak poſitively to the man, he was afterwards ordered for tranſportation, he was condemned for horſe ſtealing; I think it was a horſe of thirty pounds value, one John Gutteridge was condemned with him at the ſame time, on the 30th of November; I was up here with a priſoner, and he and eleven more burſt the gaol, and broke through my dwelling; I was in town while they broke out, and I ſaw the priſoners in gaol the day before, I appointed an extraordinary watchman whilſt I came to town; here is a true copy of the record, which I examined

examined myſelf, the record was at Mr. Prices's the clerk of the aſſizes.

(The copy of the record of the priſoner's conviction read by Thomas Shelton, Eſq; Clerk of the Arraigns, and examined by the Court.)

(The original order ſigned by Mr. Price, read and examined as before.)

" Berks, at the aſſizes, Monday the 19th " of July, recorded, that the ſaid Thomas " Weſt together with one George Ewing " were to be tranſported for life."

Court. You are ſure this is not Ewing? —Yes, I am ſure this is Weſt, Ewing is in gaol now.

DENNIS M'DONAND *ſworn.*

On the 5th of this month, the witneſſes that are here brought the priſoner to the Rotation-office, in Litchfield-ſtreet; I am ſure that is the man that was brought to me.

HENRY CRISP *ſworn.*

I am a fiſherman, on the 4th of this month, I was at the Hoop at Hendon, between ſix and eight, and this man came in, Hendon is in the county of Middleſex; I never ſaw the priſoner before, he called for two penny worth of gin and water, we were in another room, and he would come into company, he ſat down, and aſked me how I did, I told him I knew nothing of him, I aſked him to drink; then he would lay a wager with me, that he had been further to ſea than I had; and I ſaid, very poſſibly he might; then he went out and was gone ten minutes, and I aſked the landlord who he was, he ſaid, he did not know; then he returned, and I told him I did not chooſe to have any more of his company; then he went into the tap-room, and I was ſoon after called to the aſſiſtance of the landlord, I took the priſoner into cuſtody, and kept him all night, and the next day I took him to the cage; then the conſtable put a pair of handcuffs upon him, and ſearched him, and found two picklock keys, ſix ſlugs, and one ſmall ball in his pocket; then the conſtable took him to the Rotation-office, in Litchfield-ſtreet, I ſaw him there the Monday following, I am ſure that he is the man I ſaw at Hendon.

THOMAS BOMBAY *ſworn.*

I took him at Hendon at the ſign of the Hoop, I was in company with Criſp; I took him on account of his producing a piſtol, I have the piſtol, I ſaw it in his hand, he dropped it; we ſat up with him all night, then we took him to the cage, and charged a conſtable with him, and took him to London, I am ſure he is the man.

JOHN RUDD *ſworn.*

I was at the Hoop by myſelf, and ſaw the priſoner there on the 4th, I ſaw Criſp and Bombay there, and helped to take the priſoner; we kept him all night, and took him to the cage next morning, and then we brought him to the Rotation.

WILLIAM SPOONER *ſworn.*

I know the priſoner, I ſaw him on the 4th, between ſix and eight, I helped to take him, and kept him in cuſtody that night, and the next day he was taken to the cage and the Rotation.

DANIEL HARRIS *ſworn.*

I know the priſoner, I ſaw him at the Hoop, we took him into cuſtody, he was taken on ſuſpicion, having a piſtol upon him.

Priſoner. I never received any ſentence at the bar, and when the gates were open, I walked out as the reſt of the priſoners did.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. ROSE.

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306. JACQUES PHILIP HARDY was indicted for feloniouſly ſtealing on the 10th day of January laſt, in the pariſh of St. Andrew, Holborn, one printed bound book,

hank, value 2s. twenty-seven Holland shirts, value 15l. two cotton night caps, value 2s. six pair of silk stockings, value 40s. two muslin stocks, value 5s. and one muslin cravat, value 4s. the property of the Compte de Mirabeau; and two lawn handkerchiefs, value 10s. and one linen handkerchief, value 2s. the property of Mademoiselle Amelie Henriette Van Haren, spinster.

The prisoner being a foreigner was informed by the Court, that he might have a Jury of half foreigners, but he said, he chose to be tried by a Jury of all Englishmen.

Court. Give the interpreter the indictment, and let him read it to him in French.

Mr. JESTERMAN *sworn* Interpreter.

Ask him if he is guilty?——Not in any ways.

How will you be tried?——By God and this Country.

(The Jury sworn.)

The indictment opened by Mr. Garrow of Council for the prosecution.

The witnesses examined apart at the request of Mr. Silvester and Mr. Parke, Council for the Prisoner.

Mr. Fielding, of Council for the Prosecution, opened the Case as follows:

Gentlemen of the Jury, when I get up after my young friend, Mr. Garrow, it must necessarily surprise you to see two of us to support this prosecution, and two of my learned friends appearing as Council for the prisoner; but Gentlemen, as you have already collected that the parties here are both foreigners, you will expect from us a particular regard to our duty, you will expect from us a regulated conduct, that we on the part of the prosecution should be careful not even to attempt to enflame your passions, nor to aggravate the conduct of the prisoner at the bar: you will expect likewise from my learned friends on the other side, a regulated decorum in the cross examination of the witnesses; in this country Justice is always administered to the admiration of the world, in such a way as to extort approbation even from the prisoners themselves; the prosecutor is a man of public character, he is a man of great literary fame, and well known in France; the prisoner was his secretary. Gentlemen, in consequence of feeling that I am engaged in a particular duty out of the common track, it is that I assure myself I shall not be chastised by his Lordship in going a little out of this case, in order to account for the conduct of the prosecutor, and the manner in which this prosecution has arisen. The Compte, when he came over to this country, in August last, had packed up a number of very valuable effects; and when I tell you that he had lost a manuscript, which he valued infinitely more than the most precious jewel he ever possessed, and which was no less than the correspondence between Voltaire and a gentleman of great literary fame, a Monsieur D'Alembert; and attributing this loss to the carelessness or neglect of the man at the bar, he became a little angry with him; there was a woman in the family of the name of Champante, she was dismissed, and then several things were missing that were brought to England, and amongst the rest the subject of the present inquiry; there were some shirts, these were afterwards found in the box of the prisoner at the bar: therefore, Gentlemen, it is on this circumstance alone, that you are to bestow your consideration; you will hear from the witness, from a Lady who saw these shirts in England, who knew them to be the Compte's property, she will tell you the manner in which they were found, and where they were found; and it will be clearly established in proof to you, that these, being the Compte's property, were found in the possession of the prisoner; and it will then become him, to give a clear account how he came by them. I should not have stated the other circumstances, but I thought it necessary to assign to you the sole motive for this prosecution: the lady shall stand forth here, and tell her story; you will from thence

thence collect, whether there is ſufficient proof of the felony, and of the guilt of the party; and I am ſure you will do by him, all that he can with; if he is clearly proved to be guilty, you will pronounce him ſo; but if on the contrary, you are not ſatisfied of that guilt, you will more chearfully diſcharge the other part of your duty, which calls upon you to acquit him.

AMELIA HENRIETTA VAN HAREN *ſworn.*

(The oath explained by the Interpreter.)

Mr. Garrow. Was the priſoner at the bar ſecretary to the Compte de Mirabeau?—Yes.

Was there a ſervant in the family of the name of Champante?—The perſon named Champante was diſmiſſed the ſervice of the Marchioneſs the mother of the Compte, and afterwards taken into my ſervice.

She was in England?——Yes.

When was ſhe diſcharged from your ſervice?—The 19th of January.

On her being diſcharged at that time, did you miſs any part of the property of the Compte?--Both of the Compte and my own.

Did the priſoner live at the houſe, where the Compte had his apartments?——He lived in the ſame houſe in England, but not in France.

Had he any box there?——He had his furniſhed room in Mrs. Bailey's houſe, where there were a great number of cheſts and drawers, and boxes, which he made uſe of.

Had he any box which he made uſe of, for his own uſe?——There was one which was part of the furniture of the room, which was appropriated to him, and uſed entirely for his own effects.

At the time that Champante was diſcharged, did you examine the contents of that box?—The next day after ſhe was diſmiſſed, I was ſent for while the priſoner was gone out of the houſe.

Was this box locked or open?——It was open.

Did you find any part of the property of the Compte or your own in that box?——Two handkerchiefs belonging to me, which were marked with the name of Harry inſtead of my own, and two ſhirts of the Compte's, the marks of which ſtill remain.

What marks had been taken out, and what marks had been put in?—H. and afterwards P. H.

Who made the H. on theſe handkerchiefs, who had marked them originally?—Myſelf.

Had you ſeen and uſed theſe handkerchiefs in England?——They were alternately worn round my neck coming from Brighton, and were loſt two days after.

Have you theſe handkerchiefs here?—Yes.

Look at them, and tell us whether you are ſure thoſe are the handkerchiefs you had England, and that you loſt?——Oh! certainly.

Do you know them by the mark or by the hemming?—By the hemming as well as by the mark.

Are you ſure them are the handkerchiefs you found in the priſoner's box?——Very ſure.

Who marked the Compte's ſhirts, found in that box?——I cannot tell, ſomebody whom I do not know.

Have you ſeen thoſe ſhirts in England?—I have ſeen theſe and twenty-five more that are miſſing.

Who was preſent at the time when you ſearched the box?—I and the Compte examined it firſt ourſelves, then we found one, then I called up a girl that was in the houſe, and that girl ſaw me find the other handkerchief; I was alone with the Compte when I found the two ſhirts, and the handkerchief.

Was you preſent at any time, when the priſoner was told that theſe things were found in his box?—Yes.

What did he ſay?——He ſaid, appearances were againſt him, but that he muſt be heard; and then he was aſked, why did you go out to give notice to Madam Champante, that ſhe was ſuſpected? to which he anſwered, when I think any body

—you is in danger of being hanged, I muſt inform them.

Did he ſay any thing about theſe handkerchiefs and ſhirts being found in his box?——He ſaid, it might be a miſtake of Madam Champante, when his own linen was brought back; and when the change of the mark was obſerved to him, he anſwered nothing.

Mr. Baron Perryn. Do you know who waſhed the Compte's linen?—She is here, I do not know her name.

Did the ſame perſon waſh the priſoner's linen, that waſhed the Compte's?——I do not know.

Mr. Garrow. Were theſe linen clean or foul?—Clean, one of the handkerchiefs had been put round my neck, but it was clean.

Croſs-examined by Mr. Silveſter.

Be ſo kind as to aſk this lady, how long this man had lived with the Compte?——Some few months, while he was in France, but had never lived in the houſe till he came to England.

Whether the Compte and ſhe came from France together, or whether the Compte came firſt in a hurry?—We came together, the Compte and me in a poſt-chaiſe, and the priſoner on horſeback.

Did you leave Paris together?——Yes.

What was the occaſion of the Compte's leaving Paris.

Mr. Fielding. Your Lordſhip will forgive me, being Council for foreigners, if I am a little more attentive than I ſhould perhaps be on another trial; I ſhould hope that any attempt to throw any imputation on the proſecutor, will be corrected by your Lordſhip.

Mr. Juſtice Buller. I cannot correct it, if it is evidence; becauſe thank God, we live in a country, that whether a man is a native or a foreigner makes no difference.

Mr. Silveſter. I certainly will aſk no improper queſtion, nor any queſtion I would not aſk any Engliſh perſon, ſtanding there; Why did you leave Paris?—The Compte ſaid, he was tired of being in France, and I wiſhed to ſee England.

Do you mean to ſay, upon your oath, that was the only reaſon, why the Compte left Paris?—There was nothing ſaid by the Compte, and I deſire it may be aſked of the Compte himſelf.

When you came to England, by what name did you go?——The name of Van Haren, and I deſire you will call a number of witneſſes which are here to prove it.

Aſk the lady, whether ſhe did not go by the name of the Counteſs de Nara?——Never in her life.

Aſk this lady how long ſhe has lived with the Compte, either here or in France?—Do you mean to aſk how long I have been acquainted with the Compte.

How long have you lived together in the ſame houſe.

Court. Explain to her that we do not want to know her connections?——Since I arrived in England.

When Madam Champante was diſmiſſed, did not you examine at that time, your's and the Compte's linen, and other property?—I examined my linen, and found a good deal miſſing, to which Champante anſwered that it was among that that we left in France, to which I anſwered that was impoſſible, for I have had theſe two handkerchiefs in London.

Aſk her if ſhe did not leave Paris in ſome confuſion and hurry?—Yes, we were glad to get into England.

Whether ſhe did not leave Paris before ſhe had collected all her property and things?—I had collected all my effects before I left Paris, and put them in boxes, with orders that Madam Champante ſhould bring them to the place where I was going; and the Compte gave orders to the priſoner to the ſame effect.

Did not the Compte leave Paris, in ſuch a hurry, as to leave part of his property behind?—He left part of his effects, which the priſoner and Champante were intruſted to bring, and which they left behind, of their own authority.

Did

Did not you order part of your property and the Compte's to be left with Madam Julie, in France?—Nothing of what concerned the boxes.

Did you and the Compte leave any thing behind there?——Madam Julie came to the houſe, and took away ſome buſts of Porcelain, but theſe had nothing to do with the boxes.

Do you mean to ſay, that all the Compte's linen was packed up, and that you left Paris deliberately, and at your own leiſure?——All the Compte's and my own, we had no other precipitation, but to get to the pacquet-boat in time.

I aſk from Paris?—No.

Did you know at Paris, when the pacquet-boat went?——We did not know exactly, one ſaid, it went off at one time, and another at another, and we thought it beſt to go.

Does not it go at every hour from Calais?——We did not go by Calais.

By what way?——We took the pacquet boat, which was to bring us from Deipe to Brighton, but it brought us from Deipe to Shoreham.

Do not theſe pacquet boats go from Deipe every day, and every hour in the day?——We aſked, and received for information it was not ſo, therefore we hired a pacquet of our own.

What was the occaſion of the hurry, that you was obliged to hire a pacquet of your own, and not wait for the pacquet?—Becauſe we feared contrary winds.

Jury. That was after you got to Deipe, did you leave Parris in any hurry?—No, we were to have gone off the night before, and we did not go off till the next morning.

This box that was examined, was the room in which it was open?—It was open, becauſe Mr. Hardy had run away in ſuch a hurry to Champante, that he had not time to ſhut his room.

How did you know it was his intention to go to Champante?——He had aſked the Compte's leave to go, who had forbid him, notwithſtanding that he went, and was followed by Mr. Dawes, who ſaw him go to Champante's lodgings.

Did not the Compte order him to go to Champante?——He forbid him to go, and ſaid he would go himſelf.

Had he ordered him that day to go?——Not at all.

Jury. Was there any lock on the box?—I do not know, it was open.

Court. Aſk her a little more about the box, in whoſe room was it?——In Mr. Hardy's own room, in Mrs. Bailey's houſe.

Was it in the one pair of ſtairs or two pair?——In the garret, the houſe is three ſtories high, and garrets over, this was in the third pair of ſtairs.

Did not you mark your linen with the firſt letter of your name?—With nothing but an H. becauſe it is my family name.

Do you know whether that room of the priſoner's was uſually kept locked up or not?——I never was in the room but in day time, when Mr. Hardy was there, then it was open.

Mr. Baron Perryn. Was it open when you came to ſearch?—It was open, as Mr. Hardy had not had time to go up; one night I was obliged to go up, being ill, to call ſomebody to my aſſiſtance, and the room was then locked, and he was in it, and the key within ſide.

(The handkerchief produced.)

Mr. Silveſter. There was a P. in this?——Yes.

Who took out that P.?——I took it out myſelf, becauſe there was no intention of proſecuting before the papers were found to be miſſing.

Then you yourſelf took out the P.?——Yes.

Mr. Fielding. Have you any doubt whether theſe handkerchiefs are yours or not?—I am ſure of it, I know theſe two handkerchiefs by having been uſed to wear them round my neck, I had four more, they were loſt.

Did not you produce theſe handkerchiefs before the Juſtice?—Yes, and it was the

Juſtice

Juſtice who deſired me to leave them in the ſtate they were.

Mr. Baron Perryn. When was this mark put in?—It was put in after it was taken out of the box.

Into both handkerchiefs?——The red H. was left, but the black H. was put in by myſelf, the red H. was badly done, from one handkerchief I took away P. H. in red, and ſubſtituted H. in black, and in the other that had the red H. I only took away the P. and left the H. there.

Mr. Silveſter. Is all this ſince you found them in the trunk?—Yes.

What is become of the ſhirts?——Here they are.

What mark is there upon the ſhirts?—M. ſome of the Compte's were marked C. M. others I. B. and thoſe that belong to that ſet were marked only with an M.

Did you put that mark on the ſhirt?—No.

Mr. Baron Perryn. Had they additional marks on the ſhirts beſides the M. when the found them in the box?—No.

Are they juſt now as you found them?—Yes.

Who gave out the Compte's linen to waſh?—Sometimes myſelf, but very ſeldom, almoſt always Champante.

Sir GILBERT ELLIOTT *ſworn.*

Mr. Fielding. Sir Gilbert, I believe you attended the Juſtice?—I was there at two examinations, but not at the firſt.

Was you there at any time, when any queſtion was aſked the priſoner, relative to theſe ſhirts and handkerchiefs?——Yes, I was, I think he ſaid of the ſhirts, it muſt be a miſtake of the waſherwoman's; of the handkerchiefs, he ſaid they were his own, that the Compte never had any ſuch.

Mr. Parke. Did not you underſtand either from the Compte, or this lady, that they had left Paris in a great hurry and confuſion?—I have heard from the Compte an hiſtory of his own life, I have been acquainted with him.

Court. It certainly is not neceſſary to go into his whole hiſtory?——He came away from Paris in no diſgrace undoubtedly, but that he had reaſons for leaving Paris is certain.

And that he left it in a hurry?——For no reaſons that ſhould make him afraid to go back, the fact is, that from his account a number of things were loſt.

Did not he come to avoid a letter de cachet?——No Sir, he apprehended ſuch a thing might come, he had loſt a law ſuit, and he had had diſagreeable explanations with the keeper of the ſeals.

Mr. Fielding. My Lord, being aware of this, there are ſeveral noble perſonages, and my Lord Peterborough, I ſee there, who will ſay what he knows of the Compte.

Court. If Mr. Silveſter means to give evidence to impeach the Compte's veracity, this evidence will be proper to meet it.

Sir Gilbert. I am ſure every man will think as I do, that he is a man of perfect honour, that there is nothing in his conduct reproachable.

Mr. Fielding. I am extremely glad Sir Gilbert has given this idea, becauſe certainly my learned friend did drive at that.

Mr. Parke. Then we need not trouble Lord Peterborough.

Court. Were the handkerchiefs before the Magiſtrate claimed as being the Compte's? I am not ſure, I was inaccurate in the expreſſion, but I meant *they* never had ſuch, and he ſaid they were his, and that *they* never had ſuch.

Mr. Fielding. They were produced before the Juſtice as the property taken?—Yes, I remember perfectly this lady gave the ſame evidence as to their being hers, as to the marks.

Mr. Silveſter. Were they not in the commitment all called hers, the Compte and this lady live together?—Yes.

When they were examined they gave evidence of ſeveral other things, beſides theſe, that were loſt?——At the third examination the Juſtice thought proper to put the handkerchiefs out, but he reſerved only the ſhirts, which ſhirts were the Compte's.

Mr.

Mr. Garrow. And the Compte has ſince been adviſed to inſert the handkerchiefs in the indictment.

Court. What reaſon did the Juſtice give?—This reaſon; he aſked a friend of mine, in whoſe cuſtody they had been? he ſaid, in the cuſtody of Champante as her maid, he ſaid that for that reaſon he thought that they could not be conſidered as a theft.—

Mr. Garrow. The Juſtice was miſtaken, the cuſtody of Champante was the cuſtody of her miſtreſs.

JOHN BAYNES *ſworn.*

I was preſent before the Juſtice at this examination, I rather differ from Sir Gilbert in one reſpect, which is this, I remember the queſtion being put to the priſoner relative to theſe handkerchiefs, he ſaid the Compte never had ſuch handkerchiefs; for I remember one particular expreſſion, that when he was at Paris, the Compte had wanted to get ſome ſuch handkerchiefs of a woman, and that ſhe would not truſt the Compte without he would anſwer for the payment; the reſult of it was he claimed them as his own; he certainly claimed them as his own.

ELIZABETH DOWN *ſworn.*

I am maid ſervant to Mrs. Bayley, Compte de Mirabeau has apartments there.

Mr. Garrow. Do you remember the time that the maid ſervant was diſcharged?—Yes.

Was you in the priſoner's room at any time when Madam Haren was there?—Yes.

What did you ſee paſs at that time?——The lady took me up into the ſervant's room.

Do you remember when that was?—No, I cannot ſay: the maid ſervant was diſcharged on the Sunday, and this was on the Monday: the lady bid me hold my lap, and ſhe gave me ſome things out of Mr. Hardy's box.

What things did the lady take out of the box?—There were ſome ſhirts and ſtockings, I did not take particular notice; ſhe took a handkerchief out, which ſhe ſaid was hers, it was marked P. H. I ſaw the mark.

Mr. Silveſter. You do not underſtand French?——No.

And the lady does not underſtand Engliſh?——No.

So that you could not have much converſation?——No, Sir.

Mr. Garrow. But ſhe communicated that to you as her own?——Yes.

Look at theſe handkerchiefs, were theſe the ſort of marks?——It was ſuch a mark as that, it was marked with red ſilk.

Mr. Silveſter. All that you know is, that it was a white handkerchief.

Mr. Garrow. In what way did the lady communicate this information to you?——No particular way, I cannot underſtand her, only I went up along with her, ſhe ſhewed me by ſome action, it was hers.

Court. Did ſhe ſay any thing to you that you underſtood?——No, ſhe took and opened it, and bid me take notice, that was her handkerchief.

What word did ſhe make uſe of?—She bid me take notice, ſhe ſhewed it to me ſo.

Did you conclude from that, that ſhe was claiming it and noticing of it?—Yes.

Mr. Fielding. Did ſhe ſay, *dis mine?*—Yes.

Mr. Silveſter. Was the door open?—Yes.

And the box was open?——Yes.

Mr. Baron Perryn. Was it the handkerchief that had the P. H. or the H. only?—P. H.

Mr. Silveſter. She bid you hold your apron?—Yes.

In what language?——All the things were taken out and put in my apron; I underſtood her in a good many things.

Mr. Baron Perryn. Did ſhe give you any reaſon to think, at the time, that the P. had been added to the H.?—No, ſhe made no pretence of that ſort at that time.

Mr. Garrow to Mademoiſelle Haren. Madam, do you underſtand a little Engliſh?—

(In English.) I can underſtand more than I talk.

Can you tell me in Engliſh whether the handkerchief you have produced is yours? —It is mine.

Are you ſure it is yours?—Yes.

Did you ſhew it to this little girl, when you took it out of the trunk?—Yes.

Mr. Silveſter to Downs. Then all the ſhirts were taken out?——Yes.

Did they claim any of the ſhirts when taken out?——No, nothing but that handkerchief.

Court. Who carried the things out to waſh?——The lady gave them.

Were the Compte's things and the ſecretary's carried out together?—I believe they were.

Did they come home together?—I believe they did.

Compte de MIRABEAU *ſworn.*

The oath tranſlated into French to him by the Interpreter.

Examined by Mr. Fielding.

Aſk the Compte, if the priſoner lived with him as his ſecretary, and when?—— Yes, about fifteen months, but I cannot aſcertain the day upon oath.

Do you recollect when your female ſervant, Champante, was diſmiſſed?—About ſix weeks ago: there are ſeveral witneſſes here that can prove the days, I do not recollect the days.

How ſoon after ſhe was diſmiſſed was it, that you, in company with the lady, went up to ſearch the box of the ſecretary in his room?—The next day.

What led to that examination?—The circumſtance of Mr. Hardy going to the Bell Inn, in Holborn, to let this Champante know that ſhe was ſuſpected, and that I meant to ſearch her things, which circumſtance induced me to ſuppoſe Hardy to be an accomplice, and was the reaſon why I went up ſtairs in order to ſearch.

What paſſed when you went up ſtairs in company with the lady, and examined the box?——Almoſt upon opening the box, at top, under a very thin covering of linen that were there, two ſhirts were diſcovered, that were mine, theſe are the ſhirts that were taken out of the box.

Was there any thing elſe taken out of the box?—I was not preſent at the time when the handkerchiefs were found.

When did you ſee the priſoner after this?—The moment after and the moment before; for I had found him at the Bell, in Holborn, where I had forbid him to go.

What paſſed between you and the priſoner after this diſcovery?—I told him of the circumſtance of his going to give notice to Mrs. Champante being ſuſpected, after the poſitive orders that I had given him, and the circumſtance of finding afterwards the effects in the box perſuaded me he was an accomplice in this theft, of which Mrs. Champante was ſuſpected, and therefore I ordered him to go out of the houſe directly.

What anſwer did the priſoner make?—The priſoner ſaid, with reſpect to the notice which I have given to Mrs. Champante, appearances are againſt me, but Monſieur Le Compte, if you was to ſee any body likely to be hanged, you would tell them to make their eſcape; with reſpect to the ſhirts that have been found in my poſſeſſion, you know very well the neglect of Madam Champante, and her diſorder, it might have happened from neglect of hers, or a miſtake of the waſherwoman's.

How ſoon after this was it that you applied to the Magiſtrate on this buſineſs?—At that time I did not intend to proſecute the priſoner, and ſo far was I from ſuch an intention, that I told him to come to my houſe, when certain boxes, which we expected to arrive from France, were come, in order that he, the priſoner, might aſcertain what effects there were that belonged to himſelf, and what effects Mrs. Champante claimed, and what were belonging to me, if they could be found; accordingly Mr. Hardy came ſeveral times to me after that, in order to enquire whether the boxes were arrived, and at each time I aſked him where he lived, and his anſwer at each time

I aſked

I asked the question, was, that he did not know the name of the ſtreet; it was only from the time that this box arrived, that the priſoner ceaſed coming to my houſe; the box came on Saturday, and the Sunday morning after I ſaw the priſoner at Mr. Spilſbury's; there I told the priſoner to come to me on the Monday following, becauſe I had a letter to give him; he aſked me what that letter was, and if the box was arrived, to which I anſwered in the affirmative; he promiſed to come to me the next morning at nine, but never made his appearance, and it was only through the priſoner's not coming to his appointment, that I was convinced of his bad intentions towards me: I went to Bow-ſtreet, on the Monday.

What day of the month was that Monday?——I do not remember, but it may be known by the warrant itſelf.

Was you preſent when the priſoner was ſearched, when he was apprehended on the warrant?——I was not preſent when he was taken, I was then in the Houſe of Commons, but I was preſent when he was examined.

Did you ſee any property of your's of any ſort taken from him?—Upon examination, the priſoner produced two pacquets of a ſingular nature, which perſuaded me, there was ſome manœuvre going on againſt me at Paris; and this paper together with a ſmall book that belonged to me, was found in the priſoner's pockets, and were delivered to the Juſtice of Peace.

What was that book?——A number of the Journal of Monſieur ——— the King of France's brother, of which I have other copies by me.

Mr. Silveſter. A number of a book called Journale de Monſieur?——The Juſtice ordered the pacquet to be ſealed, and delivered to the conſtable who had the priſoner in care.

Mr. Parke. Was not Madam Champante diſmiſſed the night before you ſpoke to the priſoner about the ſhirts?—Madam Champante was ſent away before ever I ſpoke to Mr. Hardy about theſe ſhirts.

Had not Madam Champante the ſole charge of your linen, and Madam Van Haren?——Madam Champante never had the care of my linen, becauſe a lady's woman in France, never takes care of the linen of the men.

Did you underſtand when Champante was diſmiſſed, that Madam Van Haren had expreſſed herſelf, that every thing was right?—When Mrs. Champante was ſent away, I and Madam Van Haren doubted not, nor do we now doubt, Madam Champante had robbed us.

Did you then expreſs your ſuſpicions to the priſoner of that?——Often times, and ſo much the more particularly, as at that time I did not ſuſpect the priſoner, I ſpoke to him rather in confidence than ſuſpicion.

What was your motive for ſuffering Champante to go away, when you ſuſpected ſhe had robbed you?——What do you mean, by permitting her to go.

Diſcharging her?——She was diſmiſſed merely becauſe ſhe was thought a thief.

Mr. Garrow. You are not quite correct in that anſwer; he ſays, in France it is the principal to turn away a thief.

Court. If you was at that time convinced that Champante had robbed you, as you now ſay you was, why did not you proſecute her?—At the time I had no intention to proſecute her, nor had I any intention to proſecute the priſoner, or any body for ſuch trifling things as ſhirts; the buſineſs of this proſecution is of much more importance, and if not of ſuch importance, the priſoner would not be ſupported in his cauſe.

The next morning after Champante was diſcharged, what did you ſay to the priſoner?—It was not diſcovered till the next morning, that the ſhirts were miſſing, when I told the priſoner of it; that theſe ſhirts were there, and that there were ſeveral other ſhirts and effects to a great amount miſſing; I was ſo far from ſuſpecting the priſoner's probity then, that I told him that Champante had committed the theft, and that if ſhe concealed theſe things any where, or if ſhe had pledged them any where, he ſhould take

take them out; the queſtion had preceeded the diſcovery, and therefore the priſoner ſaid at once, ſhe lives at the Bell; as ſoon as the priſoner was acquainted with the diſcovery of the ſhirts, then he ſaid, he did not believe ſhe was at the Bell, and that ſhe was gone away that day; I then propoſed to Hardy, to go to ſee whether ſhe was at the Bell, and then I ſeveral times after forbid him to go, and it was then that the priſoner went out, and was traced to the Bell, from which circumſtance my ſuſpicions of the priſoner were founded.

Before Hardy propoſed going to the Bell to Champante, did not you propoſe to him, to go to the Bell to aſk where theſe ſhirts were?—No.

When you came to the Bell, you found the priſoner there?——Yes.

Did you aſk Champante about your ſhirts, and what did you ſay to her?—The firſt thing I ſaid, upon coming into the room, and ſeeing Hardy there, was, what are you doing here, Sir? the priſoner anſwered, I came here to ſee whether your ſhirts were here, I told him I had forbid him; when I came to ſpeak to Champante, I told her I miſſed a great many ſhirts, and aſked what was become of them.

How many did you ſay?—I think ſeven and twenty, but I cannot be ſure.

Did not Champante in your preſence, and in the preſence of the priſoner, ſay that you had but ſixteen in England?—No, ſo far from ſaying that I had no more than ſixteen ſhirts in England, ſhe excuſed herſelf, by ſaying, at the houſe where you lodged every thing was open, what would you have me ſay to the matter, look and examine my things.

Did ſhe then offer to open all her trunks for you to ſee whether any thing was there? She did ſay look into my boxes, becauſe ſhe had none, ſhe had parcels: but I am not arrived to this time of life, without knowing that when any body ſays, look into my parcels or boxes, I am to underſtand that nothing is to be found there.

Tell him he is only to anſwer to facts, without making his own deductions?—If I am called to ſpeak the truth, I muſt ſay the whole truth.

Did not the priſoner return with you to your lodgings?—He followed me, but I do not know whether he came into the houſe the ſame time with me.

Did the priſoner come to your lodgings after you?——I cannot ſay upon my oath, whether he came in at the inſtant, I believe I ſaw him a little time after.

After the priſoner returned to the lodgings, did not he of his own accord, produce his box before you and Madam Van Haren?——He did not offer his box to be examined by me, the things had been examined before, and his effects were then upon the ſtairs.

But he did produce his box?——No.

That day you diſcharged him?—That day, and that inſtant.

Did you pay him his wages?——I paid him nothing, becauſe I owed him nothing, he was indebted to me.

How many months had he ſerved you?—I cannot aſcertain upon oath the preciſe time, but I arrived in England in the month of Auguſt, and he was from thence.

What had you paid him?——I do not think I am bound to anſwer that queſtion, neither can I do it, unleſs I look over my books of my ſtated expences.

Had you given him money?—Yes, before witneſſes.

How much?——I do not think myſelf bound to anſwer that, neither can I do it upon oath, at this preſent moment.

Did you give it him for wages?——Yes, that will be ſeen by the civil action, that is to be tried.

When was that civil action commenced by the priſoner?——By way of recrimination, three or four days after he knew that the warrant was iſſued out againſt him, as appears by the writ.

Mr. Silveſter. Deſire him not to make a ſpeech, but to ſay the dates?——The writ will certify much better than my memory.

When

When was you ſerved with that writ, when was the priſoner taken up?——More than a week after.

After the writ was ſerved upon you?——Yes, but the warrant was obtained three days before.

Court. For what ſum was you arreſted?——He claimed thirty pounds.

Mr. Parke. Did you ſay what wages you would give him.

Mr. Garrow. We are trying the right of the man to recover on the aſſumpſit of the civil action.

Mr. Silveſter. It is very unfortunate that this gentleman the Compte, makes a ſpeech on every queſtion that we aſk him, by which means our queſtions loſe their effect.

Did the Compte before he took out a warrant againſt the priſoner, ever ſee him at the houſe of Mr. Spilſbury his printer?——Yes, I ſaw him on the Sunday morning, I only got the warrant on a Monday.

You ſaid nothing at that time, as to the diſhoneſty of the priſoner to Mr. Spilſbury? I told Mr. Spilſbury before that, that I had ſtrong ſuſpicions againſt him, and as Mr. Spilſbury was printing my work at that time, and the proofs came through the priſoner's hands, I cautioned Mr. Spilſbury's ſon, not to truſt the priſoner with the proofs any more, becauſe the priſoner was turned out of my ſervice.

You ſaid nothing to Mr. Spilſbury's ſon about the priſoner having robbed you?—I did not know at that time Mr. Hardy had robbed me.

But it was after the priſoner had left your ſervice?——I never thought of proſecuting the priſoner, on account of this trifling matter of ſhirts, I never thought of denouncing the priſoner as a thief on that account, but when the box came, which certified to me that I had loſt effects of much greater conſequence, then it was I determined to proſecute him.

Priſoner. I refer my defence to my council.

MARIA TERESA CHAMPANTE *ſworn.*

Jury. We with that the other witneſſes that are for the priſoner, may withdraw.

Interpreter. She does not underſtand Engliſh at all.

Mr. Silveſter. Was not you ſervant to Compte de Mirabeau, and Madam Van Haren?——I do not know Madam Van Haren, I know Madam Van Nara.

Do you mean that lady?——Yes.

Was that the name ſhe uſed to go by?——I went into her ſervice, when ſhe bore that name at the hotel.

What name did the lady go by in England?——I never knew her by any other name, than by Madam Nara.

In what manner did the Compte, and Madam Nara leave Paris?—The Compte made his eſcape from Paris, and was near a league from Paris, at a friend's houſe.

Who was with him there?——He went from the houſe by himſelf, in a ſtreet called Recqueſde Loyue.

What orders had the ſervants when he was gone?—The Compte had no domeſtick but myſelf, the other domeſtick he had, he had ſent off at twenty leagues diſtance, that he might not know he was leaving Paris.

Did you leave Paris in a great hurry?—Yes.

Had you time or leiſure there to pack up all your things?——No, we had no time, we put up the linen together which the boxes would not hold, we put it in a ſack, we had orders to depoſite it with Monſieur Goddard, a friend of the Compte's.

Did you take care of the Compte's linen, as well as the ladys?——At Paris the Compte had a ſervant who took care of his linen, and I never had the care of the Compte's linen in particular.

Do you recollect what linen was packed up?——I cannot tell the quantity of linen, but Madam Nara took an account of it.

Do you know the quantity of linen the Compte had in London?—I never knew it.

Who gave it to waſh?——The lady herſelf.

Who gave out Hardy's linen to waſh?—He uſed to give it to me, and I uſed to give it the waſher-woman.

Did you give the Compte's, and Madam Nara's linen to the ſame waſher-woman?—Yes.

Yes, the ſame waſher-woman, and made out a bill for Mr. Hardy's linen, and the Compte's.

The Court and proſecutor's council conferred ſome ſhort time, then the Court ſaid.

Sir Gilbert, the proſecutor has conſented to drop this proſecution, but only on condition of the reaſon of this perſeverance being made public; he thinks that neceſſary?—I am able to give that information, becauſe this proſecution was begun and perſevered in by my advice; the Compte dined at my houſe at the time he received the firſt information, that his boxes returned from France empty; he aſked me what he had beſt do, I adviſed him immediately to arreſt Hardy, as the beſt chance; he took that advice from me, and immediately took out a warrant; ſome days after, he was arreſted at the ſuit of Hardy, which certainly appeared to me and to him a recrimination: now this public explanation is neceſſary, becauſe it has been inſinuated, that this is a malicious proſecution: but the reaſon for my adviſing the proſecutor at firſt, was to recover the property, and the reaſon for perſiſting in it, was this, that at the public examination of the priſoner in Bow-ſtreet, ſome of the priſoner's friends were preſent at the time, and he was adviſed to reſerve his defence, but he aſked whether he might not make his defence then, becauſe he ſaid he would ſhew the Juſtice, that the Compte was not a perſon, that was to be believed on his oath; when I heard that, I adviſed the proſecutor to perſevere in this proſecution, as I had then known him a great many years, and had been his ſchool fellow, and had as full a conviction of his honour, as I have of my brother.

Court. Sir Gilbert, you will take the trouble, to tell the Compte from the Court, there is nothing has dropt, that throws the ſmalleſt imputation on him, he has acted very wiſely, and his honour is not in the leaſt degree impeached, by any thing that has occurred in this proſecution.

Mr. Silvaſter. I muſt tell you one thing, that two perſons whom you do not know, applied for the money before the arreſt.

Court. The attempt to throw a ſtain on the Compte's honour, was very improper, becauſe it is not the ſame thing for a Frenchman to run away, as it is in England; but Sir Gilbert Elliott ſays, that he knew him in France, and that he was unfortunate in a law ſuit, and it was neceſſary for him to quit the country.

Sir Gilbert Elliott. He had had a converſation with the keeper of the ſeals, and was rather lively, and he thought proper, right or wrong, to print that converſation.

Court. Gentlemen of the Jury, you will find the priſoner not guilty, for there is no ground for this charge againſt him.

NOT GUILTY.

Mr. Baron Perryn to the Interpreter. You will tell Mr. Hardy, that the Judge that tried him, thinks there is no imputation on his character from the evidence.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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307. JAMES COWAN was indicted for burglariouſly and felonioniouſly breaking and entering the dwelling-houſe of John Ranoe, about the hour of nine in the night, on the 8th of January laſt, and burglariouſly ſtealing therein, one looking glaſs in a mahogany frame, value 5s. 3 woollen blankets, value 10s. two pair of ſheets, value 10s. one night gown, value 10s. one great coat, value 15s. part of a pair of velvet breeches, value 5s. and a cloth coat, value 3s. his property.

JOHN RANOE *ſworn.*

I am a taylor; I keep a houſe in Oxendon-ſtreet, I lived there on the 8th of January laſt, I have nothing to ſay againſt the priſoner, only on the 8th of January, about nine, I heard the watchman's rattle, and I went out, and he was arguing with the priſoner, and there was a large bundle tied

tied up in a blanket, juſt at my door, on the pavement, and I, in a joking manner, ſaid, watchman, what do you ſtop the poor man with his bed for? and the watchman ſaid, in a rough manner, it is not a bed, but it is ſome of the neighbours property, with that he brought the bundle into an empty houſe, and ſaid, this bundle came out of this houſe, with four fellows, and he laid down the bundle in the empty houſe, which was dirty, I ſaid, do not let it lay there in the dirt, and I took the bundle myſelf, and moved it, and I had the curioſity to look into it, to ſee what it contained, and the firſt thing that appeared to me was this plaid night gown, which is made of worſted.

What is the value of it? put the loweſt value on it.—Two ſhillings, I ſuppoſe.

Have you had it any time?—I have had it theſe thirty years, but it was whole and good; and I then ſaid, Good God! watchman, this is my bundle; why, ſays he, if ſo, you are robbed; ſo I dropped the bundle down, and ran home, and alarmed my family, and I ran up three pair of ſtairs, where I knew this gown was, and there I miſſed what are contained in the indictment; they were all in the two pair of ſtairs and in the garret, that I am quite ſure of, I ſaw them that day in their proper places, not tied up in a bundle; when I miſſed theſe things, I went down ſtairs, and the watchman brought in the bundle, and it contained the things mentioned in the indictment, except the looking glaſs in a mahogany frame, which was taken away intirely; there were in the bundle, including the blanket that tied up the bundle, three woollen blankets, value twelve ſhillings, I have had them ſome time, I do not know the blankets by any marks, only miſſing them from the bed; two pair of linen ſheets, value 10s. I do not know that they had any mark, I only ſuppoſe them to be mine by miſſing them from the bed; there was one woolien ſurtout coat, value 14s. this is it which I have on; it was not finiſhed, and had not the buttons then, I can ſwear to it, it was my own making, there was a pair of velvet breeches, that were in my room; the value of them is about ſeven ſhillings, they were not finiſhed, they were my ſon's work, the ſtuff coſt me ſeven and ſixpence, they were in the garret, there was a cloth coat belonging to one of my lodgers, which I had to repair; that was in the room, I know the coat extremely well, it was a blue one, it had my work in it, I value that at three ſhillings; I kept the things, but I have not brought them with me.

In what ſituation was your family at that time?——There were ſome in the fore room, and ſome in the kitchen, the garret windows were entirely broke; one of the caſements entirely broken wide enough to let in the body of a man, I was in the garret about four.

It was light then?——Yes.

Is your houſe adjoining this empty houſe?——Yes.

Is there any poſſible communication from this empty houſe to this garret window?——They got in at the back door of this empty houſe and got up ſtairs and out of the garret window, and went along the leads to our houſe.

Did you hear any diſturbance in the garret at any time?——No, but I have no doubt, but they came in that way, they broke one caſement all to pieces; that was the caſement that was fixed, not the one that opens, I imagine they put their hands through to undo the other caſement, becauſe the other was open but not broke.

Can you ſpeak whether the other window was open when you laſt ſaw it?—I am ſure it was not, there is a bed in the room, and I paſted paper all round the caſement, and I am ſure it was all ſafe when I ſaw it; the watchman afterwards brought this chap.

Mr. Garrow, Priſoner's Council. Your family were not gone to bed?—No.

You had not ſhut up your houſe faſt all over?——No.

It was as it is in the day time?—Yes.

Not as it is when you go to bed?—No.

What is the value of theſe old ſecond-

hand things, would not seven or eight and twenty shillings be the value of them?—No, nor two pounds nine neither.

FRANCIS BAYLEY *sworn.*

I am a watchman in this neighbourhood, my box is opposite the empty house, I came out between eight and nine, and I examined the back door of this empty house, and it was seemingly fast.

In what way did you examine it?——I shoved my stick against it in the usual way, and it appeared to be fast, I examined about the court, at that minute I heard the bolt of a door, or something like it put back; I turned about, and saw a man with a bundle, and another man underneath that rushed out, and two others.

Who had the bundle?—I do not know; the prisoner at the bar and another man rushed out, immediately after this I looked about, and then I called out stop thief! and sprung my rattle and ran, but the three were soon out of sight.

Was there any lamp near the door?——It was quite light, the lamp was not quite four yards from this door I am sure, besides my lanthorn gave a very good light; I ran after them, and when I came to the prosecutor's door, I came up to the man that had the bundle, and made a blow at him, and came within a blow of him, and he dropped the bundle; I do not know him, I saw only his back.

Did the two men come out at the same instant?——Yes, the two first and the two last.

Do you know whether the prisoner at the bar was one of them?——I am sure he was one of the two last that came out, he with the bundle came out first, and another man along with him.

Did they all four run?—Yes, but the other three run faster than the man with the bundle, one of the two last had something under his arm, which appeared to be a glass; I saw something of the frame, something of wood, but I did not see the glass.

Can you say, whether the prisoner was one of the two last or the two first?—One of the two last, but there was very little difference between them.

Was it the prisoner or the other that had the wood underneath his arm?——I am not sure which of the two had it, but still I am of opinion that it was the other, the man dropped it, and I stumbled against it, and it tumbled me over and over, that hindered me from having them; he who had the bundle was last then, I then sprung my rattle, and the prosecutor came out.

When did you take the prisoner?——This was the 8th of January, and the 15th I was was walking through Whitecomb-court, and I saw the prisoner and two girls of the town together, and I knew him again and took him.

Can you speak with certainty, that the prisoner at the bar was one of the men?—Yes.

How long did you see him?——He only looked about he went off as quick as thought, he went along as quick as he could I dare say, for he knew me.

Had you ever seen the prisoner at the bar before?——Yes, several times.

Do you know his person?——I do.

How long have you known him?—I have seen him several times since May last.

Was there any conversation between you and the prisoner at the time of the robbery?—Not a single word, I had seen him several times before.

Had you conversed with him before?—No, never, but I have seen him in company.

Did you know him by name?—No.

What did you say to him when you took him?—I do not remember any particular, it was in an entry in a public house, I went in, there were liquors, he paid for his liquor, and asked me to drink, I said no.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;
Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,
LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of James Cowan.

What is the name of that public-houſe?——One Sargent keeps it; I then followed him, and told him he ſhould come with me, he aſked where, I ſaid he ſhould know by and by; he ſeemed agreeable to come, and I thought to have made him faſt, and when he came to the door he ſprung away, and ſaid, you buggerer you have not got me yet.

Did he get clear away from you?—Yes, he got into Sydney's-alley, and two gentlemen ſtopped him.

How long did you loſe ſight of him?—About a minute, and then I took him into cuſtody.

Mr. Garrow. But hark ye! my maſter watchman, you knew this man from having ſeen him in company ſeveral times?—I never was in his company, but I have ſeen him drink a glaſs.

Did you purſue theſe people that came out of the houſe?——Yes, or I would not have got the fall I did.

You did not take any of them?——No.

From the 8th to the 14th, did you lodge any information againſt the priſoner, before any Magiſtrate?——No.

As you knew the man, how happens you did not?——Becauſe I thought I could ſoon meet with him, and I did not know his name.

Do you remember aſking him to give you a glaſs of gin that night, when you took him?——I remember I did not, I ſearched him.

Did you ſearch his lodgings?—Never.

You have never found any of the property of this man, except what was taken from the firſt man that came out?—No.

What ſort of night was it?——I do not know.

It was a ſort of a by place?——It was Whitcomb-ſtreet.

This man paſt you as quick as thought?——Yes.

So you think yourſelf warrantable upon that, to come here and ſwear poſitively to him?—Yes.

Well, you may get twenty pounds by it, perhaps?——I do not want a farthing.

PRISONER's DEFENCE.

As I was coming from Market-lane, I had been to one Mr. Innes, an acquaintance of my father's; I went into a houſe the corner of Coventry-ſtreet, and two young women

omen ſaid, it was a very cold night; the atchman came in, and aſked me to give im a glaſs of ſomething, I denied him beauſe I did not know him; he went out at he door, and turned round, and aſked me ho I was, I ſaid, I was a cabinet-maker; ys he, you muſt come with me, I went, nd when he came to the door, I ſaid, I had one nothing, and I will not go with you; hen he took me to the watch-houſe, he id, he had ſeveral ſuſpicions of me, for oot-pads, and burglaries; he ſaid, he knew othing of me himſelf, but he ſaid, he ould bring ſome body to ſwear to me, I do ot know at this time where the gentleman ives, nor the ſtreet; I had been moving hat day, which was the 8th of January, ll the day, from Lambeth to Covent-Garden, and my wife and father was putting up the things in the room, and I returned ome about ſeven or eight at night; the woman that lives in the one pair of ſtairs let me in, and ſhe ſaid, I believe your father or wife are gone out, will you come in; I went to my ſiſter's and returned, and the gentlewoman can prove I went up ſtairs ſoon after, and was not out afterwards; the watchman ſaid, in my preſence, that he never ſaw any body come out of the empty houſe.

Court. The priſoner has ſaid, that you have declared, you never ſaw any body come out of the empty houſe, in his preſence; is that true, did you make any ſuch declaration?—No.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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308. JOHN OLIVER and JOHN JOHNSTON, otherwiſe BANDY, were indicted for feloniouſly aſſaulting John Briant Cecil, on the King's highway, on the 13th of December laſt, and putting him in corporal fear and danger of his life, feloniouſly taking from his perſon, and againſt his will, one linen cloth, value 18d. and eighteen mutton-pies, value 1s. and twenty-four copper half-pence, value 12d. his property.

JOHN BRIANT CECIL *ſworn.*

On Monday the 13th of December laſt, about ten minutes before nine, I was robbed by ſix or ſeven perſons of which the priſoners were two; I know the priſoners, I was at St. George's in the Eaſt, they followed me out of the Blue Anchor, in the Back-lane; and when I had got a little way out of the houſe, they came behind me, and laid violent hands upon me, and took out of my pockets, all my money I had, and all my pies, which I had made for my livelihood, which I value at one ſhilling; they took from me better than eighteen mutton-pies, I loſt alſo one ſhilling in half-pence, and one linen cloth, value one ſhilling and ſixpence, I did not loſe any thing elſe; the priſoner Oliver took the things out of my pockets, and the other took away ſome of my pies, there were four or five more, they came and put ſomething before my mouth, and would have put ſomething before my eyes, but I prevented them, I am ſure the two priſoners were among this number, I knew them well before; by all accounts they get their living by picking pockets chiefly, and they are not known much for any thing elſe.

Priſoner. The proſecutor ſaid, he did not know who the perſons were that robbed him, he wiſhed he did.

Now was you always in the ſame ſtory?——Yes.

Jury. Were there any lamps by you?—It was light, for there was a woman ſitting ſelling ſprats, over the way.

Court. Was it not dark night?——It was, but there was a woman ſitting with a candle very near the place, ſo that it was as light as it is now.

WILLIAM WHITEWAY *ſworn.*

I know nothing of the tranſaction, I am only bound over as one of the apprehenders.

Priſoner Oliver. I know no more of it than a child, I never was guilty of any ſuch thing in my life, nor never in gaol.

Court.

Court to Whiteway. When were they apprehended?——The firſt of this month, I think it was, the proſecutor came to me, and ſaid, he had ſeen one of theſe lads in Roſemary-lane, and I went with him, and picked him out, he mentioned Johnſon; and when Oliver was apprehended, he cried, and ſaid, it was very hard one ſhould be hanged for all the reſt.

Priſoner. The proſecutor had not money to carry on this proſecution, and Whiteway offered him money to carry this proſecution on, ſays he, keep up your ſpirits, never mind it, I will gammon for you.

Whiteway. I do not mind what they ſay. there never was any ſuch converſation paſſed.

SOPHIA ANDERSON *ſworn.*

I attend for the two priſoners, I came to ſpeak concerning the proſecutor, who informed me he did not know who had robbed him, this was in Roſemary-lane, I ſaw him, and ſaid to him, Betty informs me you was robbed? yes, ſays he, I do not know who it was, I wiſh I did, I would hang them if they had twenty necks.

What time was this that he told you ſo? —About a fortnight before Chriſtmas, I know nothing of the priſoners, but by ſight, I know one by ſight, becauſe his mother deals in Roſemary-lane, the ſame as I do.

BOTH GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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309. GEORGE VANDERBECK, JOSEPH RAWLINS, JOHN WHITE and ABEL DRUDGE were indicted for that they, on the 24th of January laſt, 300 lb. weight of lead, value 45l. belonging to the Right Honourable Lord Camelford, and fixed to a certain building of his, feloniouſly did rip, cut, and break, with intent to ſteal the ſame.

WILLIAM GRADE *ſworn.*

I am a gentleman's ſervant, I know my Lord Camelford's houſe, I was drinking a pint of beer with a friend, and I heard an alarm of thieves over at the houſes oppoſite, I ran immediately out, and ſaw three men at the top of the houſe of Lord Camelford, the houſes are not finiſhed; I ran round and gave the alarm, I went into the houſe, and Mr. Coates with me; and at the bottom of the houſe, I ſaw Vanderbeck and Rawlins, I laid hold of Vanderbeck, and the little coachman that was with me, laid hold of the other, and I told him if he offered to reſiſt, I would ſhoot him; he ſtruck me two or three times, I tied his hands behind him, he broke looſe, but being overpowered he became more eaſy, he told me fifty times to ſhoot him; after I took them, I proceeded further into the houſe, and at the two pair of ſtairs I found White in the chimney corner, then we went in purſuit of the other, Mr. Coates went to the top of the houſe; they were going down again, and Mr. Coates recollected himſelf, he would go and ſhut the trap door; he called out, here is another, and under the ſtairs we found Drudge, he was wrapped in ſome ſhavings.

Priſoner White. He certainly took me in the chimney corner, but becauſe he preſented a blunderbuſs, I retreated there.

GEORGE COATES *ſworn.*

I was at the taking of the priſoners, I ſaw them firſt go to the empty houſes of Lord Camelford, I ſaw four people at the top of theſe houſes, I went home and got a brace of piſtols, and we took Vanderbeck and Rawlins below ſtairs; then White was taken next in the chimney, and the other under the kitchen ſtair-caſe, the lead was ripped up, and I ſaw it fitted to the place by Mr. Burton, the plumber.

THOMAS MILLS *ſworn.*

(The lead produced and ſome tiles.)

Here is an old caſe knife which is broke off, here is a ſcrew driver, and a hold-faſt, and this is a bed ſcrew.

BUR-

BURTON *sworn.*

I am plumber to Lord Camelford, I have seen this lead fitted to the places, there was about a ton of lead gone, but there was several pieces doubled up in my Lord's coach-house, I am sure this piece came from the side of the dormer window of the trap door; my Lord purchased these two houses of the builder, that his house might be inclosed with iron rails, and they are now to be let, to any body that will finish them; there has been no workmen upon them, he bought them at measure and value.

PRISONER's DEFENCE.

I heard the alarm of thieves, and a man said, there are two thieves at the top of the house; and I went to the back of the buildings, the lamplighter said, you are all afraid to go in, he clapped his ladder, and I went down, and George came down, I was one of them that went with him.

ALL FOUR GUILTY.

Each to be whipped and confined six months to hard labour.

Tried by the second Middlesex Jury before Mr. RECORDER.

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318. HENRY MURPHY was indicted for burglariously and feloniously breaking and entering the dwelling house of Genteel Chappell, about the hour of seven in the night, on the 10th of February, and burglariously stealing therein, nine yards of worsted stuff, value 30s. his property.

GENTEEL CHAPPELL *sworn*

I live at No. 103, Drury-lane, I am a man's mercer; on the 10th of February between six and seven in the evening, I was in the room behind the shop, and hearing a noise I went into the shop, and one Thomas Taplin informed me I had been robbed, that he had followed the prisoner home, and came back to inform me of it; I immediately went to the constable, to take him to the house as I was informed; and went in, and in the garret were the prisoner's father and mother, and another young man, and there was a piece of shag found in the garret, that belonged to the prisoner's father and mother.

Did the prisoner live there?—We went there to search for him.

THOMAS TAPLIN *sworn.*

I was coming by the prosecutor's, about half past six, and I saw the prisoner break the window, I knew the prisoner by sight, very well, and I saw him take out the goods; I watched him to the Artichoke, in White Hart-yard, I came back and informed the prosecutor, I am quite sure I saw him break the window, and take out the things.

Did he see you?——I do not know, I knew him before by sight very well, we got two constables and searched the house.

GEORGE MARCH *sworn.*

I was standing at my master's door, and I saw him break the window of the prosecutor's, and take out a piece of goods, and run down White Hart-yard.

Are you sure the prisoner was the person?——Yes.

JOHN FERNEAU *sworn.*

I went to search the room, and there I found this piece under the bedstead, and the prosecutor swore it was his property.

Who lived there?——The prisoner's father and mother, and the prisoner lodged in the fore garret.

(The piece of shag deposed to, having four marks on it, and two particular spots, which the prosecutor noticed before, and the value of it 4s. 14s.)

Was this shag in the shop that afternoon?——I cannot be sure of that.

Had you sold it?——No.

PRISONER's DEFENCE.

I was not in my mother's apartments not for four hours, and I cannot be answerable

ſwerable for what is brought into her apartments.

Guilty, Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

311. THOMAS IVES was indicted for feloniouſly ſtealing on the 21ſt of January laſt, one mare, price 30s. the property of Jacob Cave.

JACOB CAVE *ſworn.*

On the 20th of January, I loſt a grey mare, from the ſide of the common, in the evening I ſent to the boiling-houſes, and heard of her from one William Podock, I only prove the property.

WILLIAM SEASONS *ſworn.*

On the 21ſt of January, about ſeven in the morning, I was in my publick houſe, and I ſaw a man go by with a horſe or mare, it was a grey one; I then ſaw the priſoner and one George Baker, a horſe-boiler's ſervant.

What horſe-boiler?——One Parry, in Sharp's-alley; they were agreeing for the mare, I then ſays to them, you cannot agree ſeemingly, ſhe is a very poor horſe, you had better agree if you can, they agreed for fourteen and ſixpence, and I changed Baker a guinea to pay for the mare; they had a pint of purl, I went to look at the mare again, ſays I, it is a pity this horſe ſhould be killed, ſays Baker, I recollect this is the very mare that the man has been at our ſhed about this morning; the man was then gone, he had ſaid, he had brought it out of ſome part in Surry, as ſoon as he came back, he equivocated, and I took him into cuſtody, we then enquired at the Ram, Smithfield, and heard of the owner; in a day or two, I ſaw him look at the mare in the preſence of two perſons, it was the ſame mare the priſoner ſold, it has been in my ſtables ever ſince.

Priſoner. I leave it to the mercy of the Court; I have a great family, and I am ſorry for what I have done.

GEORGE BAKER *ſworn.*

I ſaw the priſoner go by on this grey mare, I aſked him if it was to ſell, he ſaid it was; I aſked him the price, it was too much money, we could not agree; Mr. Seaſons interfered, and I gave him fifteen ſhillings for it; he wanted ſixteen, and I offered fourteen; he told me he travelled all night with a waggon or cart, and a perſon had bid him bring it up from Hounſlow; I aſked the man ſeveral queſtions about the road he came, and Seaſons took him into cuſtody; we went to the Ram in Smithfield, and heard of the owner; it appeared to me the man was in a ſtate of neceſſity, he ſeemed to eat in ſuch exceſs, and I really think it was through a ſtate of hunger. *Seaſons.* About him I found a paſſ, craving charity.

Priſoner. I went to Seaſons's houſe to ſee this mare, and ſhe was mine, I value her at thirty ſhillings.

Priſoner. I ſhould be glad to be pardoned this once.

Guilty, Death.

He was humbly recommended to mercy by the proſecutor.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

312. ROSE FITZPATRICK was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of George Wright, about the hour of ſeven in the night, on the 13th of January laſt, and burglariouſly ſtealing therein one ſtuff petticoat, value 5s. one ſilk petticoat, value 3s. one great coat, value 20s. one cloth coat, value 15s. one woollen coat, value 5s. one pair of velveteen breeches, value 5s. one apron, value 12d. one handkerchief, value 6s. and one cloak, value 5s. the property of the ſaid George; and one linen jacket and coat, value 6s. the property of Mary Wright.

GEORGE

GEORGE WRIGHT *sworn.*

I live in Dean-street, St. Andrew's Parish, my house was broke open on the 13th of January, in the evening between seven and eight, I cannot tell exactly; they came in at the street-door, but I cannot say, whether the street door was upon the latch or not, somebody came in unknown to me, and went up stairs to the first floor, and opened the dining room door, with a false key, my daughter about half an hour before, brought it down the key into the kitchen, where I and my wife were, and laid it in it's place.

Was there any thing broke?—Nothing; I lost a jacket and petticoat, and a surtout coat, and a cloth coat, the fellow to this waistcoat, I value the great coat at two pounds eight shillings, and the jacket and petticoat at twenty shillings, a cloth coat, valu fifteen shillings, it was not much worn, and a pair of black velveret breeches, lined with leather, they are quite new, I never wore them, they cost me twenty-seven shillings, I value them at twenty shillings, there was another coat, what they call a Bath coat, with a green cape; I know my things were in the room that day about ten or eleven o'clock; I heard nobody in the house; I was below in the kitchen cleaning my tools, I am a millwright by trade, and I says to my wife, I have some tools lay in the chest up stairs, I will fetch them down; I took the key which my daughter brought down, and when I went up stairs, the door stood wide open, I was coming down in a passion, and I looked to see whether the bolt was slipped, and I found the bolt was back, that was before eight, it might be twenty minutes after my daughter was up there, or more; I called to my wife, and my daughter ran up stairs, and she declared that she locked it, and it had been opened, I had given a strict charge about it; I directly went and said to my son in law, run down to some of the pawnbrokers, and I will go to the others, so he went one way, and I went the other; and a young man from Mr. Dobree's came to my house, and brought me some of the things, and I found some at Mr. Lane's, the corner of the coal-yard, there I found a cloak.

Court. What time did you find that at Lane's?—The next day, and I found the coat that is the fellow to this waistcoat, and a petticoat of my wife's, that had been pledged at Mr. Welton's.

MARY WRIGHT *sworn.*

I am daughter to the last witness; I locked the door of the one pair of stairs, a little before seven o'clock, on the 13th of January.

Are you sure it was locked?—Yes, I always try it, and I tried it then, there are two people in the house besides us, and they might leave the street door open; there was a coverlid taken off the bed, and a blue stuff petticoat, and a green silk petticoat of mine.

Were they up stairs when you locked the door?—Yes; I cannot say where my father's great coat and breeches were; there was a jacket and petticoat and handkerchief of mine hung over a chair by the bedside, and a white cloak of mine hung behind the door, there was one shirt and apron, but I cannot tell whether they were in the room when I locked the door.

ANN WRIGHT *sworn.*

I cannot say whether the outer door was fast or not, but the cotton counterpane was in the room that afternoon, the value of it is four shillings; a quilted stuff petticoat, four shillings, a silk petticoat, three shillings; my husband's great coat was there before I went into the kitchen to wash, I saw them there before I went down; there was a shirt, value two shillings, a linen apron, value one shilling, and a linen handkerchief and a white cloak, value four shillings, and a jacket and coat, value four shillings.

GEORGE LANE *sworn.*

Here is a cloak that I took of the prisoner on the 13th of January, between seven and eight in the evening; I did not know the prisoner, but I am positive it was her

that

that brought it, I ſaw her again the next day, I am poſitive as to her perſon.

(The cloak depoſed to.)

HENRY BAKER *ſworn.*

Here is a woman's petticoat, and a man's coat, which I took in of the priſoner, on the 13th of January, it was full half paſt eight or near nine.

(The petticoat and the coat depoſed to.)

RICHARD GRAINGER *ſworn.*

I have a great coat I received of the priſoner at the bar, on the evening of the 13th of January, about a quarter before nine.

JOHN YOUNG *ſworn.*

I was ſent for on the 1ſt of February, to take this woman into cuſtody, I ſearched her and found theſe keys upon her, a bunch of different ſize keys, I took her to Mr. Juſtice Walker's on Monday, and then I heard this man had been robbed; the Juſtice committed her, and ſent me to try whether the keys would open this man's door, and this key opened it as well as if it was made for it.

PRISONER's DEFENCE.

I pledged the things for a young man, and I was going to drink ſome pepper-mint with him, and he run out, and I never ſaw any more of him: as to the keys, I picked up five of them on Clerkenwell-green, and one ſmall one belongs to my box.

The priſoner called one witneſs to her character.

GUILTY, Death.

She was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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213. ROBERT ROBERTS and WILLIAM BLANN were indicted for burglariouſly and felonioully breaking and entering the dwelling houſe of George Percival, about the hour of eight in the night, on the 5th of February, and burglariouſly ſtealing therein, two cloth coats, value 30s. one ſilk ſhag waiſtcoat, value 18d. one pair of velvet breeches, value 21s. one pair of ſtuff breeches, value 18d. one pair of cotton ſtockings, value 2s. 6d. the property of John Morgan.

JOHN MORGAN *ſworn.*

On my return home to Mr. George Percival's, in Prince's-ſtreet, Leiceſter-fields, on the 5th of February, there was a great crowd at the door, it was after ſeven in the evening when I went out, on my return it was after nine, I was informed the houſe was broke open; I immediately went up ſtairs, and found the door had been opened, the key was within-ſide when I left it, there are ſome other lodgers in the ſecond floor, but I found the door had been broke open, having been locked by the thieves who came in at the window, the things were hanging upon pegs in the room, and I found them gone. I applied to Juſtice Hyde, and ſome of the officers came with me, and went out upon the parapet through the window, and ſome of my things were dropped in the gutter; after that I went into the publick houſe, and got up upon the top of the houſes, and at a houſe in Liſle-ſtreet, I found a trap door; the houſes were ſearched, and nothing found. On Thurſday, the 17th, I went to the houſe of Mr. Moffat, a ſaleſman, in Leceſter ſtreet, to buy a coat, and there I ſaw my own coat that had been ſtolen, I was ſure it was my own coat, but the buttons of it had been taken off, and others put on. I told Moffat it was my coat, and he ſaid he bought it: the next morning I got a ſearch warrant, and then Mr. Moffat produced a pair of velvet breeches, which were mine, and which, he ſaid, he bought at the ſame time with the coat; I ſaid nothing to the people, only ſaying it was my coat.

Then you did not aſk any further queſtions?——No.

What I mean is this, was there any unwillingneſs in Moffat, or the people in the houſe,

house to shew the things, or to give you information?——Not the least.

Was the alteration in the buttons, better or worse buttons?——Worse.

Are you sure of that?——Certainly.

What sort of buttons had been on it before?—It was a gilt button, with a border to the edge of it.

How do you know the coat to be yours?——At the sight of the coat, I knew it immediately for the colour, and examining the sleeve corresponded exactly with the directions I gave the taylor, being particular in having two buttons on the sleeve, to make it button close to the wrist, and the collar is what they term a stand up collar.

Was it so by any particular directions?—It was the taylor's own doing, they are generally made so.

Are they not frequently made with two buttons?——Yes.

Then there seems to me to be nothing by which you can identify this coat, except the circumstance of its fitting?——The part where the buttons had been sewed on the facing, had been unripped, and new sewed again.

Court. The other side is not the same, is the taylor here who made the coat?——He is.

Upon the whole you have no doubt but it is your coat?—I am confident of it.

THOMAS CROSBY *sworn.*

Where did you get these breeches?——Out of Mr. Moffat's house.

Have they been in your possession ever since?——Yes.

Prosecutor. I described every mark before I saw them at Mr. Moffat's, I ordered horn buttons put to the waistband, and the flap, and the pockets, and death-head buttons to be put to the knees, and the garter to be the same as the breeches, and I found them answer every description.

Upon the whole are you satisfied that these are your breeches?—Yes, I am.

Did the same taylor make the breeches that made the coat?—No, the man's name that made the coat is Bell.

GEORGE BELL *sworn.*

I am a taylor, I work for Mr. Taylor, in Duke-street, St. James's, I made this coat for Mr. Morgan, I cut it for him, I did not sew it, I know it to be the same for several reasons; I know it by having taken it in at the top of the sleeve, and the side it was rather too big; it is visible to me, being my own work, it would not be visible to any body else.

Can you judge as a workman, whether one side of it appears to be unripped?——Yes, it is plain, it is to put on these buttons.

Is there any other mark, except the circumstance of this being unripped, that could enable you to judge, that the buttons on that coat had been changed, if you had never seen the coat before, could you have told that it had been unripped?—I cannot justly say that, I should have believed it to be so, but I would not wish to swear it.

Take a penknife and untip a part of the facing, on the side next the buttons?—The buttons were never put on by a tradesman.

Could you as a workman have judged of it, if you had never seen the coat before?—I Now I have unripped it, I see as a workman, that these buttons were never put on by a workman.

What buttons were on the coat when it was made at first?——I cannot exactly remember, but it was a gilt button, with a small border, plain in the middle; I believe it was a double border, but I cannot be exact, but it was plain in the middle.

Which of the buttons were best, these that are on now, or those that were on before?——Those that were on before were the best a great deal.

Would it sell for more with these buttons, than it would before?——I do not know.

Does it appear to you, as a workman, that the coat would be made more market-

able, by changing the buttons?——They certainly were better before.

WILLIAM DOWNS *ſworn.*

I am a taylor, I made a pair of black breeches for the proſecutor, it is as eaſy for me to know my own cut and work, as it is for me to know my own hand writing.

Look at theſe breeches?—I will venture to ſwear they are my making.

You have no doubt of it?—None in the leaſt.

Did you make them in the uſual way, or by a particular direction?——By a particular direction, as to the horn buttons at the top, and death-head at the knee, we do ſo ſometimes without a particular direction, but that was a particular direction, I am poſitive they are the breeches I made.

MARY PERCIVAL *ſworn.*

The proſecutor lodged in my houſe; on Saturday the 5th of February, I was below in the parlour at work, about a quarter after eight in the evening, and I heard a window thrown up, I apprehended it to be at the top of the houſe; a young man who lodges in the ſecond floor was in the houſe with me, and nobody elſe.

Was he above ſtairs or below?—Above; I took the candle and run up ſtairs, and went into his room, and deſired he would ſtep up ſtairs with me into the garret, for I thought ſomebody was in the houſe; I went up with him, and the room door was locked, which was the proſecutor's; about half an hour before, I went up to ſee if the windows were all ſafe, and to turn down the beds; I am ſure the windows were all ſhut then, and I had left the door open, not ſhut: finding the door locked, I was very much ſurpriſed, I ran down for aſſiſtance, the young man ſtaid above at the door, I went up ſtairs, and by that time I got up ſtairs, the door was burſt open; nobody was in the room, the window was wide open.

Was the houſe door ſhut or open?——Shut.

Was it upon the latch, ſo that any body could get in, without knocking?——No, it was locked.

So that any perſon could not come in at the ſtreet door, and have got up to the room?—Impoſſible.

(The Conſtable called again.)

Court to Croſby. In what manner did Moffat behave?—He behaved exceedingly well, he rather thought it was hard to have his houſe ſearched being a man of great property.

Did you or Morgan inform Moffat, that the coat that had been ſhewn to Morgan the night before, was a part of his property that was ſtolen?—Yes, and he ſaid then he had a pair of breeches, that he bought of the ſame perſon.

Did you inform him before you ſearched, that that coat was a part of the property that was ſtolen?—Yes, before we ſearched.

You are ſure he was told by one of you, before you ſearched at all?—I remember it, becauſe I ſaid, Sir, the man has been robbed of all his wearing apparel, and he is but a poor ſervant.

Now after you had told him that the coat, that had been ſeen by Morgan, was a part of the things ſtolen, what did he ſay?——He produced the breeches, after I had been up ſtairs, and ſearched two or three rooms.

After you had told him that that coat was a part of the things ſtolen?—Yes, he rather ſeemed to be a little *ruſty* of the matter, and talked that he was a man of property, and ſhould not be uſed in that manner, and he further told me he ſhould take notice of it; I told him I muſt execute my office.

When you went there, you told him what you came to ſearch for?——Yes, and that it was for wearing apparel, that was ſtolen from a houſe in Princes-ſtreet, and the coat that Morgan had ſeen the night before, was a part of the property; I ſearched the ſalſhop, and two of the wardrobes.

Where were the breeches produced from?—One of Mr. Moffat's acquaintance came up,

up, and ſaid here is a pair of breeches, which we bought with the coat, and I came down ſtairs and found the breeches on the compter, but where they were taken from I do not know.

Who came up to tell the proſecutor?—A gentleman's ſervant.

Proſecutor. Mr. Moffat produced the breeches, from ſome other black breeches, while we were above ſtairs.

Court to Croſby. How long might it be before you were called down, and the breeches were produced?——I ſuppoſe it might be a quarter of an hour, or twenty minutes the outſide.

Did you aſk Moffat at all, why he had not told you of the breeches, when he firſt came in?—No.

Did he give any reaſons why he had not? No, when he produced the breeches, I aſked him upon his word, ſays I, Mr. Moffat have you any more property of the proſecutor's, I ſaid I believe I can take your word, he ſaid upon his honour he had not; we went to the parties where he had them, we never found any more property, we then went to the lad that he bought them of, that was Iſaiah Iſrael; we apprehended the priſoner by the information of one Wolf.

Was any thing found upon the priſoner?——No, he drew a knife upon me.

ISAIAH ISRAEL *ſworn.*

Court. Attend particularly to the queſtions that I aſk you, and confine your anſwers to the queſtions; I tell you before hand, not to ſay any thing of this fact that may affect yourſelf, unleſs I aſk you to tell the whole ſtory.

What is Robert Moffat?—A ſaleſman and taylor.

What is your buſineſs?—I am a dealer in old cloaths.

Have you dealt long with Moffat?——Three or four years.

Do you deal conſiderably in old cloaths?——Yes, I have bought and ſold things of Moffat.

Who is Pennell Wolf?—He is an old cloaths man.

Do you ever buy of him?—Yes, I have bought cloaths of him ſeveral times.

Is it common in your buſineſs to buy and ſell of each other?——Yes, very common.

I have aſked you no one queſtion with reſpect to this property at all, you will go out till you are called again.

PENNELL WOLF *ſworn.*

Do you know the priſoner?—Yes.

What are you?—A cloaths man.

Do you know Iſaiah Iſrael?—Yes.

Did you in the courſe of this month ſell any cloaths to Iſrael?—Yes, this day three weeks, I ſold him ſome cloaths between two and three; there was a coat and breeches, and a great coat, and ſeveral articles for three pounds ten ſhillings.

How long had you had them in your poſſeſſion?——I bought them of the priſoners about eleven, I had not had them quite three hours.

What are the priſoners?——I do not know.

What buſineſs did they follow?—I do not know, but when I came to St. Giles's, between ten and eleven, I bought them things of them.

Who did you buy the things from, that you ſold to Iſrael?——From the two priſoners, they were both in a room.

Should you know the things if you ſaw them?—I have examined them, and could not ſwear to them, becauſe I had them ſo little while in my hands, but they are like them, we have ſo many things we can hardly know them again, but they look like the ſame; there was a drab great coat, and two or three cloth waiſtcoats, there was another cloth coat.

Where did you buy theſe things?——At St. Giles's, up two pair of ſtairs.

Who called you up?—Robert Roberts.

Was the other priſoner there?——Yes, he was in the room at the ſame time.

Who produced them to you?——Robert Roberts told me to look at theſe things, they were laying on the ground.

Did you bargain with him or the other?——They both of them ſaid look at the

things,

and I asked them the price, Blann told me the price was four guineas, and I bid them three.

What did you give them for all the things together?—Three pounds five shillings.

Did you pay them then?—Yes.

Who did you pay the money to?—Robert Roberts.

Who did you agree with for three pounds five shillings?—Robert Roberts.

What did Blann say?——That I might have them, they both said I might have them.

Are you sure of that?—Yes.

Had the coat the same buttons on, it has now?——I cannot tell indeed, it looks like the same coat, the coat was a good coat, but I cannot speak to the buttons.

Attend to this question, did you sell anything that morning to Isaiah Israel, except what you had bought of these two men?—No.

Are you clear of that, whether these are the things or not: were the things that you sold to Israel, bought of these two men?—Yes.

Are you sure of that?—Yes.

(Isaiah Israel called again.)

Do you remember buying any thing of Wolf?—Yes.

When was it?—This day three weeks, on a Monday.

Do you recollect what the things were? Yes, I recollect some of them, but not all rightly.

What do you recollect?—This coat and breeches, and a drab coat, a great coat, and another mixed coat, I bought them from Wolf.

How long were they in your possession afterwards?——Not above five minutes, I went with some of the things to Rag-fair, and sold them there, and this coat and breeches, I sold to a taylor in Houndsditch, who deals in old clothes; and I sold the other things to different people, but this coat and breeches, and another coat, I sold the same day, a few minutes after I bought them.

What is that taylor's name?—Joseph.

Is he here?——No.

How do you know that was that coat and breeches?——I know them if I see them; this is the very same coat I bought of Wolf.

Had it the same buttons on then that it has now?——No, my Lord, it had not, there was a very handsome fashionable gilt button, a very large one on it then.

Are you sure they are the very same things?——Yes, my Lord, I am very positive of it; I took them afterwards of Joseph again, he told me I sold them too dear, so he desired me to take them, and sell them for the most advantage I could.

What did you sell them to Joseph for?——I sold them to Joseph with another coat, for two pounds four shillings.

When did you take them back from Joseph?——Last Thursday week.

Are you sure yourself, independent of any information you received from Joseph, that the things you took back from him, were the same that you sold him?——I am quite sure they are the same clothes I sold to him.

Were the same buttons on when you took them again?——He told me he took off the buttons, which was a very handsome button, and put them on a new coat, which he had made for himself.

Who did you sell them to, after you had them from Joseph?—— I sold them to Mr. Moffatt, on the Thursday.

What did Moffatt give you for them?—For this coat and breeches, he gave me one pound fourteen shillings; I did not receive the other coat from Joseph again, he sold them himself.

ROBERT MOFFATT *sworn.*

Were the things that were found in your shop, the same things you bought from Israel?—Yes, I am quite sure of that.

Why did not you tell them of the breeches before they went up stairs to search?——It did not occur to me that I had them.

Court to Wolfe. Did you know these prisoners before?—No.

Crosby

Crosby. I know them, my Lord, they lodge at the corner of St. Giles's, I have known Blann many years.

How long had they lodged at St. Giles's?—I do not know.

Did they lodge any time lately, in Lisle-street, or Princes-street, or any where near Leicester-fields?—No, my Lord.

Court to Prosecutor. Was the house that you speak of, in Lisle-street, on which there is a trap door, that goes out upon the top of the houses; is that a public house, or a private house?——The house that we went out of, was a public house, which was open, but the other was private.

Court to Crosby. Which way did you go?—Up to the top of the houses, through the public house, there was a trap door to the publick house, the trap door was fastened, I could hardly get it open, I broke my stick in wrenching it open.

What other trap door did you find that communicated with the leads?—I found none till I came to the second door, there I found a trap door that went into a small garret that was wide open, and that was the door of an empty house; I went down into the empty house, and searched every room and closet, but nobody was there, nor anything; when I came to the door of the empty house, it was a spring lock, with a large knob to open it, and a very easy lock, and would easily shut too after any body that went out.

PRISONER ROBERTS's DEFENCE.

I work very hard for my living, I go out with a jack-ass every day; going out one morning, I saw this Wolf with his bag on his back, crying old clothes; he was talking with two other men, I used to see him almost every morning with a parcel of loose sort of fellows that resorted there, I never sold him any thing, nor never had any conversation with the man in my life.

PRISONER BLANN's DEFENCE.

I have nothing to say, I did not know the man before he came here, I was taken in trouble for another affair.

The prisoner Roberts called three witnesses to his character.

BOTH GUILTY, Death.

Tried by the first Middlesex Jury before Mr. RECORDER.

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314. ELIZABETH CASTLE was indicted for feloniously stealing on the 30th day of January last, twenty-one pounds weight of beef, value 5s. the property of Thomas Worster.

Robert Hardy, saw the prisoner coming out of the prosecutor's shop, with a piece of beef, and suspecting her, he informed the prosecutor, who pursued the prisoner, and took her with the beef upon her.—She confessed taking the beef.

Prisoner. I found the beef in the fields.

GUILTY.

Privately whipped.

Tried by the second Middlesex Jury before Mr. Baron PERRYN.

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315. RICHARD ENTWISTLE and RICHARD CLARK were indicted for feloniously assaulting Joseph Randall, on the King's highway, on the 18th of January, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one silver watch, value 40s. one steal watch-chain, value 6d. one stone seal set in base metal, value 2d. one base metal watch-key, value 1d. and one steel padlock key, value 1d. his property.

JOSEPH RANDAL *sworn.*

I live at Hoxton, I was robbed on the 18th of January last, a little before eight o'clock, by four men, who said nothing to me but pushed me across some logs.

Court. Was you sober at this time?—I had been drinking, but not to hurt myself.

How far was you affected with the liquor?—Why, I cannot ſay I was affected very much.

Did you know what you was about?—I did.

Had you been at a public houſe in the neighbourhood there?——The laſt houſe I was at, was the ſign of the White Horſe; I did not ſtay above ſeven minutes, I had been at another public houſe about an hour; after they threw me acroſs the logs, I was partly ſtrangled with the blow, and one thing or another; a woman came along and ſaw me lay, and theſe four men were all ſtanding together, the woman had a candle and lanthorn, ſhe looked round, and hearing me groan, ſhe ſqualled.

Then you at this time was almoſt inſenſible?——Not inſenſible, but I could not ſpeak.

What deprived you of your ſpeech?——Why ſome how or other, they gave me a puſh with a hand, or hit me a ſlap on the face, and my cough took me.

Can you tell whether they did any thing to you after you was down?——I cannot tell what they did, nor for above a minute, the woman came and hallooed out, for God's ſake, there is a man that is very much in liquor; then I put my hand into my pocket, and I miſſed my watch, and I ſaid, I have been robbed, I then ſaw two of the men walking off.

What became of the other two?—They ſtood by me, for the woman ſaid, for God's ſake, friend, help the man up, he is very much in liquor, and ſee him home.

Did you get your watch again?——I never heard of it.

When was the laſt time you had your watch in your hand?——At the White Horſe, I put it in my breeches pocket.

Did the chain hang out?——No, it did not hang out, for I was attacked at the door of the White Horſe by two men who took hold of my chain there, that made me go in.

What two men were thoſe?—The men that went away, I went in there for ſafety.

Did you feel who took your watch?——I did not feel it go at all.

Do you know the priſoners or either of them?—Theſe two men were in the gardens along with the other two, but which of the four took my watch I cannot tell, there was a woman there too which I did not ſee.

Can you ſwear that theſe two men are two of the four?——Yes, theſe two men ſtaid and helped me up, I believe it was almoſt dark.

Then what have you to ſay againſt theſe two men?——I cannot ſay they took my watch.

Do not you think it is more likely, that if your watch was taken, it ſhould be taken by the men that run away?——Poſſibly it might, I do not know which took it.

Mr. Peatt, Priſoner's Council. The woman ſaid, you was very drunk, do you mean to take upon yourſelf to ſay, that you never ſaw theſe young men before?—Never before that time.

How did you deſcribe one of theſe as dreſſed, before the Magiſtrate?—In a light coloured coat, not one of theſe, but one of the four.

LUCY MASON *ſworn.*

The proſecutor is my landlord, I lodge in his firſt floor; it was a little before eight, about five minutes, I was going to Shoreditch church for an apothecary, not in company with the proſecutor; as I was paſſing I ſaw a parcel of men and a woman, ſtanding all together, I believe there were four men; the proſecutor was ſitting on ſome logs, and two men were tripping him up, and I thought him very much in liquor, I had a candle and lanthorn, and I heard a groaning, and ſomebody making an odd noiſe, and I aſked what was the matter, and I took hold of the proſecutor, and ſaid, it is my landlord, and he fell backwards over the logs; I really thought him very much in liquor, and called for aſſiſtance, and theſe two young men at the bar, offered to ſee him home.

Court.

Court. This will never do, Gentlemen.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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316. WILLIAM SHARP was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Charles Wolfran Cornwall, Eſq; on the 29th of January laſt, about the hour of one in the night, and burglariouſly ſtealing therein, one ſattin robe, value 40s. ſixty yards of gold lace, value 40l. one coat, value 5s. two waiſtcoats, value 4s. one pair of leathe. breeches, value 10s. a pair of ſilver buckles, value 5s. one pair of ſilk breeches, value 10s. a great coat, value 5s. ſix pair of ſilk ſtockings, value 10s. two hats, value 6s. thirty-four ſilk handkerchiefs, value 3l. twenty linen handkerchiefs, value 20s. a gold ſnuff-box, value 5l. and five guineas, his property.

The Caſe opened by Mr. Silveſter.

ELIZABETH GOODWIN *ſworn.*

I live with the Speaker of the Houſe of Commons, his houſe was broke open between the 28th and 29th of January, the under butler faſtened the door, I got up firſt in the morning, I came down about ſeven, and found the library door was ſhut, and the windows ſhut, I went in and the drawers were open, and the locks broke, and ſome of the papers on the ground; I went into the next room, next the Thames, and one of theſe windows was open, the ſaſh was thrown up, and half the window ſhutter was off; the nails were drawn off from the hinge; a yard door which leads to a garden that adjoins to the Thames was open, and a large candle box was removed from the foot of the back ſtairs to the yard door.

Court. Had you obſerved that window that evening, was it faſt when you went to bed?——It was.

At what o'clock did you go to bed?——After eleven.

THOMAS TANNER *ſworn.*

I am under butler to the Speaker, this window was faſtened the night before it was broke open, with two croſs iron bars, a piece of the window ſhutter was taken off, and ſet up an end againſt the wall in the garden; the bars were unhooked, and the window cur ain down.

In what ſtate was the room?——Dirty with people having been in, nothing was taken out of that room, but out of the parlour.

——— MANN *ſworn.*

I am the Speaker's train bearer, one of the footmen came to my houſe on Saturday morning about ſeven, and deſired I would come immediately to the Speaker's; accordingly I went to the library, there the Speaker was; I ſaw the bars broke open, and in a very different ſtate to what it was in the evening, when I went away, and his clothes thrown about, ſome taken away, and ſome remaining; I put the gold gown the day before into the box, the bag was thrown down at the bottom of the ſtairs, and the gown taken out; I found the Speaker had loſt ſeveral articles, a brown coat and waiſtcoat, a ſcarlet waiſtcoat, velvet breeches, black ſilk breeches, ſix pair of ſilk ſtockings, a ſervant's great coat, and two hats, the property of the Speaker; and a great coat, and a ſhirt that belonged to one of the ſervants; I went to a public houſe at Lambeth, on Monday about one, and there I found the things, I found a brown coat and waiſtcoat, a pair of velvet breeches, black ſilk ſtocking breeches, a pair of doe-ſkin breeches, and three ſhirts, all the Speaker's; a livery hat, ſix pair of ſtockings, two hats, a ſervant's great coat, a ſcarlet waiſtcoat, all together in one bag; the Speaker's gown was never found; I then went to Sir Sampſon Wright's, and from Sir Sampſon's I went to the priſoner's houſe, on Monday after church, which was the 31ſt of January; the 30th of January

any was kept, we ſearched the priſoner's houſe and found nothing but a pair of boots which they brought away with them.

Did you make any obſervation on theſe boots?——Thoſe boots were taken to the Speaker's houſe, I ſaw them, and I ſaw they tallied exactly with the marks in the Speaker's garden, I further obſerved to the Speaker, that I thought that one of the perſons that broke in, had nails in his ſhoes, I compared the foot with the boots, and they exactly tallied; I compared the pegs on the right foot.

(A piece of the heel-piece being off, the pegs ſtood up, handed to the Jury.)

Had you obſerved before you ſaw the boots, which foot it was that had theſe marks, whether the right or the left?——I did not.

Had you obſerved before what number of holes were made by the pegs?——No, but afterwards, when I had the boot, I ſaw the boot put upon the ground, and it exactly tallied.

Did you make any obſervation on the boot being compared with them?—No.

Mr. Garrow, Priſoner's Council. You have ſeen ſomething, that looked like the impreſſion of nails?—The bo e appeared as if the perſon that wore them, had trod a good deal in mud.

Whether it was town or country mud, you do not ſwear, I am ſure?—No.

What weather was it Saturday, Sunday, and Monday?——Very dirty weather, the Sunday and Monday was very dirty.

You did not cover the impreſſion after you firſt obſerved it?——No.

The appearance to you, was like that of a man with nails regularly put into his ſhoes?——Not very regular, but I did not count them.

——— HAMMOND *ſworn.*

I keep a public houſe at Lambeth, it is I ſuppoſe about two hundred yards from my door to *that Gentleman's* houſe, he has lived there about ſix months.

Mr. Silveſter. Where were theſe things found?—Down in an old cellar, which my landlord keeps for the uſe of buildings.

How near is that cellar to the priſoner's houſe?—I ſuppoſe it is about twenty yards, not further.

When did you find theſe things?—Laſt Sunday was three weeks, I was repairing my tap-room, and I aſked my landlord to let me have a little lime and hair; he told me the door was nailed up, and I might force it open, and the next day me and one Nicholls went to the cellar, and Nicholls ſaw a great coat, then I ſaw two hats, then we proceeded to the dark corner, and I kicked my foot againſt ſomething, I thought it had been a man; theſe were the ſame things Mr. Mann had from me.

Mr. Garrow. Whoſe cellar is this?—It belongs to Mr. Thomas Brookes.

The priſoner has nothing to do with it?—Nothing at all.

It is near his houſe, and near your's?—It is in a court where there are ſeven or eight houſes ſurrounding it, the priſoner's houſe is in another ſtreet; there is a paſſage to that houſe, and ſeveral more.

It has not been uſed except for putting hair in, for a long time paſt?—No.

Mr. Silveſter. Did you ſhew this cellar to Atkins?——Yes.

JOHN ATKINS *ſworn.*

I went into the cellar, and I meaſured the pair of boots which were found in the priſoner's houſe, that were in my poſſeſſion, there is a window, and there is a hill of dirt, and three ſteps made in the dirt, not ſtone ſteps.

Court. How far is the window of the cellar from the priſoner's houſe?—As far as from me to your Lordſhip, not a great way, there is ſome paling that parts it from his houſe, and there is a little bit of a wicket-gate, that comes out of his houſe.

Did the other man make any obſervation?—No, he was only with me, and one of the Juſtices was with me.

Mr. Garrow. How many more houſes are there, within the diſtance of this cellar?—A great many little habitations.

What

What ſort of a neighbourhood?—Like every other ſort.

What ſort of dirt was this?—Rubbiſh.

Likely enough to be affected with rain?—No rain could get to it, it was covered with a houſe, I ſuppoſe the dirt had been flung in at the window.

Now I ſhould think the rain would run down that hill?—If it could get at it.

How much longer is your own foot?—I did not meaſure.

How many thouſand more feet there are of the ſame length you do not know?—No.

PATRICK MACMANUS *ſworn.*

I belong to Bow-ſtreet, I found this boot in the priſoner's cloſet in his lodgings, there was nothing found belonging to the Speaker, I know nothing of the foot-ſteps in the cellar; when I came to the Speaker's, Mr. Mann and I went into the Speaker's garden, and we meaſured in particular this boot, and all the way on the water-ſide in regular ſteps; this boot fitted exactly, and all the way the peg marks; the marks were not ſo regular as that, but there were viſible holes; all on the right hand ſide, the ſide next the wall, I took notice of it, becauſe Mr. Man ſaid, the perſon had nails in their ſhoes.

Court. Then the holes were in the earth before the boot was put on the earth?—Yes, there were ſome places that appeared three, and ſome four; there were marks upon them all.

Did it tally in length and breadth?—Yes, as nigh as any thing could do in the world.

Mr. Garrow. That is to ſay, that in all the impreſſions there were marks of ſomething: be ſo good to look at theſe pegs, and tell me upon your oath, whether you think that boot has been worn ſince the heel tap as it is called came off?—I do not know whether it has or no.

Mr. Garrow. The pegs appear to be perfectly freſh; with permiſſion of the Court, I will take off the heel of this other boot.

(Takes it off, and the pegs appeared juſt the ſame as the other.)

Mr. Silveſter to Macmanus. How far was the houſe from the water-ſide?——It leads round, it was on the ſoft ground where they trod.

Court to Goodwin. Had any of the candles been made uſe of?—No.

Had any been lighted?—No, Sir, there was a whole candle dropped in the garden, that had not been lighted.

Priſoner. I have nothing at all to ſay, I am innocent of all I am accuſed of.

The Priſoner called five witneſſes to his character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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317. SAMUEL LAVENDAR was indicted for feloniouſly ſtealing, on the 13th day of January laſt, one wooden firkin, value 4d. and fifty-ſix pounds weight of butter, value 30s. the property of Thomas Cox.

GUILTY.

Whipped.

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418. CATHERINE BROWN was indicted for feloniouſly ſtealing, on the 5th day of February, one cloth coat, value 3s. one waiſtcoat, value 12d. one pair of leather breeches, value 6s. one pair of cloth breeches, value 12d. one pair of jean breeches, value 12d. one pair of ſtone knee buckles, ſet in ſilver, value 12d. the property of Vincent Eades; and three linen ſhirts, value 3s. the property of David Mercer.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

319. WILLIAM BIRD was indicted for feloniously stealing, on the 18th of December last, one loin of pork, value 2s. the property of John Birch.

GUILTY.

Whipped.

The preceding three were tried by the first Middlesex Jury before Mr. ROSE.

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320. WILLIAM INCH, otherwise WILLIAM INCHES, was indicted for that he, together with one John May and Henry Rundell, on the 2d of August, in the 24th year of his Majesty's reign, in the parish of Ringmore, in the county of Devon, with force and arms, to wit, with divers large sticks and weapons, did assemble, in order to be aiding and assisting in taking away from Samuel Woodhouse, one of the officers of excise, a large quantity of Geneva, to wit, twenty-seven gallons, being uncustomed, and liable to pay duties, which had not been paid, or secured to be paid, after seizure of the said Geneva by the said Samuel, against the statute, and against the King's peace.

A second count, For that he, together with one John May and Henry Rundell, on the same day and place, with force and arms, being armed with divers offensive large sticks and bludgeons, unlawfully, riotously, routously and feloniously, being so armed, on the said Samuel Woodhouse, one of the officers of our Lord the King, in the due execution of his office, in the due securing the said geneva, unlawfully, riotously, routously and feloniously did make an assault and affray, and aid and assist in rescuing and taking away from him the last mentioned geneva, after seizure of the same by the said Samuel Woodhouse, being such officer as aforesaid.

A third count, For that he, on the same day and place, together with the said John May and Henry Rundell, unlawfully, feloniously and forcibly, did hinder, obstruct and oppose the said Samuel Woodhouse, one of the officers of our Lord the King, in the due execution of his office, in the due securing a large quantity of geneva, to wit, twenty-seven gallons, being uncustomed goods, liable to pay duties, and not paid or secured to be paid, which said geneva had been lately before seized by the said Samuel, against the form of the statute.

Counsel for the Crown.

Mr. Attorney General — Mr. Serjt Walker
Mr. Solicitor General — Mr. Wilson
And Mr. Silvester.

Council for the Prisoner.

Mr. Garrow.

The indictment opened by Mr. Silvester, and the case by Mr. Attorney General, as follows:

May it please your Lordship, and you Gentlemen of the Jury, this is an indictment against the prisoner at the bar; which charges him, together with two other persons, with a very heinous offence, against the laws for the protection of the revenue of this country; an offence which the wisdom of the legislature has thought fit to make capital: and Gentlemen, it is for me to state to you the offence, as created by the act of parliament; and to state very shortly and not with many observations on the evidence, and then to leave that evidence under my lord's correction in your hands, from which I am sure the legislature and the country will receive ample justice, and that is all that is wished by this prosecution: By the act of the 19th of George II. there having been at that time in the country, and I am affraid the practice still remains, of numbers of persons associating themselves together, and assembling for the direct and avowed purpose of carrying their illicit trade into execution; and great bodies of men sometimes disguised, and sometimes armed and not disguised, have assembled together, and in short, almost threatened the destruction of the revenue: that act enacts, that if any persons to the number of three or four, armed with fire arms, or other offensive weapons, shall be assembled, aiding and assisting, in the running, landing, or carrying

carrying away prohibited or uncuſtomed goods, or goods liable to pay any duties, or in caſe any perſons to the number of three or more, being ſo armed, and that with fire-arms, and other offenſive weapons, ſhall be aſſiſting, or ſhall forcibly hinder, obſtruct, and every ſuch perſon ſhall be guilty of felony, without benefit of clergy; ſo that you ſee the offence, with which this perſon is charged, is that he, with two other perſons, in the firſt place was aſſembled, with intent to do ſome of the things mentioned in the act of parliament, in the next place, that he actually did aſſiſt in carrying away prohibited goods, after they had been ſeized, and likewiſe that he, being ſo aſſembled, and ſo armed, did oppoſe the officers in their duty; and under my lord's direction, who will ſtate the law to you, I ſhall ſubmit, if this caſe is fully proved, that the priſoner will appear to be guilty. Gentlemen, the indictment charges this man, and two other perſons with this offence, and it will be neceſſary to prove in order to bring the priſoner within this law, that there were three men of them, and therefore though the other two are not apprehended, and whether we ſhall be able to apprehend them, I cannot ſay; yet it will be neceſſary for you to take into conſideration, the caſe of the other two; but if the facts come out as they are ſtated to me, there will be no doubt of their guilt, any more than of the priſoner's: the priſoner, and thoſe two other perſons, are belonging to a place called Corſham, in Cornwall; a place noted for perſons of the deſcription of the priſoner; they had been ſeen loitering about Ringmore, which was not the place of their abode: on the firſt of Auguſt, one Richard Valentine being informed of ſome ſmuggled goods, applied to Woodhouſe and one Toy, who is an officer, to aſſiſt him; accordingly the next morning about three, theſe three officers went to the houſe of this man, where they had the information; they ſearched all the furz-buſhes, and found nothing, at laſt Toy went to Kirſwood's houſe, and found ten anchors of foreign ſpirits, containing nine or ten gallons each, concealed under ſome hay, that was in the barn; he immediately ſent for the other officers to come to his aſſiſtance, they came and ſeized the goods, and left Woodhouſe to take care of them, while the other two men went in ſearch of more: in about a quarter of an hour the priſoner, with two others, came into the yard, with large bludgeons in their hands; and one of them with a walking-ſtick which had a tuck in it; they began to break out, and attempted to ſtave the caſks, and the priſoner ſwore he would have them from the officers. Woodhouſe ran to fetch the other officer, and before they returned, theſe three men, the priſoner, and May and Randell, ran off with the liquors which the officers had ſeized; they returned again, and ſwore they would have the remainder; upon which Toy took up a bag of tea, and theſe three men followed him; they forced open the parlour door and took the tea from him, and carried it into the yard where Woodhouſe was, who endeavoured to get it away from them, upon which Randell ſtruck him a violent blow with his bludgeon on the temple, which brought him to the ground, and rendered him totally inſenſible; upon this Toy came up, and he began to be very active, and he with a bludgeon with ſeveral claws ſticking out of it, by which I ſuppoſe is meant, they are the roots of the ſtick, not any iron fixed into it, as I ſuppoſe, but the wood ſo pointed as to make excreſences, and ſharp ones; he made a blow at him with this, and that took off the brim of his hat; Toy came and reſcued him: the three ſmugglers then became more violent; they ſwore they would have all the things; the officers told them they ſhould not; and the officers finding they were determined to preſerve the things went away: it is upon this act you are to determine whether the priſoner is guilty. Gentlemen, it is not for me to make any obſervations, but ſuch as naturally ariſe out of the direct caſe; I do not wiſh to inflame your minds; the queſtion is a queſtion of fact; what the law is, his Lordſhip will explain;

explain; and upon applying that law to the facts, as they appear to you, will depend the verdict you are to give: all I can say is, that if the prisoner is guilty, he is undoubtedly a very proper object of justice; and unless these prosecutions are carried on with effect, wheresoever there is a fair and proper example, it will be impossible the revenue of this country should much longer escape destruction.

FRANCIS TOY *sworn.*

Examined by Mr. Solicitor General.

What are you by profession?—An excise officer.

Was any application made to you, by any of your brother officers?——Yes, by Richard Valentine, an officer of the customs.

For what did he apply to you?—He said he had received an information of smuggled goods, and he desired I would assist him; we went both to the place appointed by the informer, first of all calling on the supervisor at Kingsbridge, to go with us, his name is Samuel Woodhouse; we then went to the place appointed by the informer, to a cross road, by the desire of the person that had informed us, this cross road lay in the neighbourhood of Ringmore.

What county is it in?—In the county of Devon.

How far is this place from the sea?——Hardly a mile, we staid in the road till day light, then we went to the publick-house; on the morning of the 2d of August, Woodhouse joined us, we then separated, I searched some furze bushes and lakes, which were mentioned to us, we found nothing there; Valentine was searching separate, as well as I, we found nothing there, I then went to the place called the house of one John Kirswell, near Ringmore, called the parsonage house.

Did you make any search at this parsonage house?—Yes.

What happened in consequence of that?——I first went into a barn, and searched it round, and I found a bag of tea concealed under the floor, about half a hundred weight, I found nothing else in the barn; next I turned round a corner of a hay-loft, I examined it and there I found ten casks of foreign geneva, I tasted one of them.

In what situation were these ten casks?—They were concealed under the hay, in different parts of the loft, upon this I removed some of them from the loft into the yard.

Where were Valentine and Woodhouse at this time?—I had lost them for sometime they came up to me, and I told them it was very difficult work to remove all the casks; I went into the house, and desired to have assistance in removing the rest.

Did they come and assist?—They did.

When the liquors was so removed into the yard, what passed then?——Then we agreed that Woodhouse should stay there, while Valentine and me went and searched further, he was to stay in the yard with the liquor.

Did you make further search?——Yes.

What was the consequence of that?—We went into a field of barley adjoining the house, and soon after we got into it, Valentine found another cask of liquors in the field.

Court. What liquor was it?——We supposed it was gin, we did not taste it then.

Did you after?—Yes, we had it, it was geneva.

Did you find any thing else in that field of barley?—Some little time afterwards, Valentine found a half hundred bag of tea, and soon after we found this last bag of tea; we heard a noise of some person calling, we soon understood it to be the supervisor, Mr. Woodhouse.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Inch.

What diſtance was you at this time from the yard where Woodhouſe was left?—I believe it was a quarter of a mile, we returned to Woodhouſe; we met the ſupervisor at the field gate adjoining the yard in a very great hurry, we all three went back to the yard again.

Court. Who was in the yard when you came back?—I think there was the ſupervisor and a neighbouring man, there were no ſtrangers there; I think there was a man ſtanding at a little diſtance.

What, was the labouring man to aſſiſt Woodhouſe?—I do not know what Woodhouſe had ſaid to him, he was not called there by Woodhouſe, he came himſelf firſt of all, from hearing a ſeizure was made, his name is Hall.

When you all three came back to the yard, what did you do?—We meant then to remove theſe goods from the yard into the farm-houſe.

Did you proceed to do ſo?——Yes.

What paſſed on that?—I carried in the laſt bag of tea myſelf, and as I was entering the door with this tea, I ſaw three men at a diſtance coming to the farm houſe.

Who were they?——William Inches, the priſoner, was one, John May, and Henry Rundell, as I underſtood their names to be ſince, I have ſeen them all before, but had no great acquaintance with them.

Court. Where did you ſee them?——Directly oppoſite the farm-houſe door, they came over a ſtile and run directly after me.

Did you ſee them coming over the ſtile?—I cannot ſay I ſaw them coming over the ſtile, they were juſt by the ſtile, they might be over, there was no other way for them to come but over the ſtile, that was about a hundred yards from the houſe, they purſued me into the houſe; I carried a bag of tea into the parlour on the left hand, and ſhut the parlour door.

Court. Did you ſhut the door of the houſe?—No, I ſhut the door of the parlour, there was no bolt to the beſt of my remembrance, I put my knee againſt it, and kept it as long as I could.

What did theſe three perſons do?—They forced the door open upon me, and I after them when they came in, whether they meant to murder me, for by their threats before they broke in, I expected they would; they made uſe of a deal of ill language that I cannot repeat, open the door

door you b—g—r, and all the names that they could.

What did they say they would do?——Murder, or something of that sort.

What sort of language was it?—Threatening language, I was terrified or else I could have kept the door longer, my strength was gone through fear, but I did not open the door myself, they forced it open, then the prisoner said I should not be hurt, provided I would deliver up all the goods, for the goods were theirs, and they would have them.

What became of the bag of tea and the goods?—The bag of tea was taken out by one of them, it was laying on the floor in the parlour.

Had these men any thing in their hands?—They had bludgeons in their hands, large sticks.

Court. Tell us what you mean by these sticks?——The stick that the prisoner had in his hand, was a stick with a large head to it, about three feet long.

How thick was this stick?——A pretty large stick, with a big head.

What sort of a head?——It was a big head, out of which there seemed to be several claws.

Court. Were there or were there not claws, do not tell us of seeming?—There were something that projected out about an inch long, they seemed to be sharp to the best of my remembrance; the others had sticks and bludgeons, one of them had a stick and bludgeon, and one had a long stick and a short one.

Court. What sort of one was the short one?—They call it a bludgeon, I believe the other was a walking stick.

Are they usually called bludgeons?——Yes, Randell had the walking stick, and the short stick, May had a stick in his hand, I cannot remember what sort of a one it was.

What sort of stick was it?——It was a large stick.

How large?—About the size of a common walking stick.

Was it as large as this?——Larger than that.

How long was what you call a bludgeon?—About half the length of this, and I believe three times as thick as this.

How much thicker than that stick, was the stick that May had?—It was thicker than that, but I cannot tell how thick.

Court. Did you observe the stick that May had in his hand, so as to be sure in giving us an account of the size of it?—I remember him to have a stick in his hand, but I cannot tell the size of it, I cannot say whether it was thicker than that or not, I was very much hurried at the time; after some little time, I followed them into the yard, and Woodhouse was in the yard; I observed Rundell and Woodhouse have the bag of tea between them, Rundell would have it, and Woodhouse said he would lose his life sooner than he should have it, I then told Woodhouse I would stand by him.

Was the prisoner present at this time?—Yes.

Were all three present at the time?——Yes.

What passed upon this?——Soon after I saw Mr. Woodhouse knocked down by Rundell.

What did he knock him down with?—With a long stick, I believe it was one or other of the sticks, but I believe it to be the long stick.

Whereabouts did he strike him?—Upon the temple, he was insensible for some time, and as soon as he came to himself he shewed the mark; after Woodhouse was knocked down, there seemed to be a general scuffling, and the prisoner made a blow at me with his bludgeon, that was the bludgeon with the claws, he missed my head, and cut down the brim of my hat, *(The hat produced,)* the hat has been sewed and worn since, but it has not been torn further; it is just the same as it was, it hung down on my shoulders, as soon as the blow was struck.

What passed after this?—I attempted to catch the prisoner's stick, and I did get hold of the best end of it, some little time, and

May

May jumped to his assistance; I had hold of the big end of it, and in the scuffle I fell, I had a tuck in my hand, and they attempted to take the tuck from me, but Valentine came to my assistance, and they could not get it from me, they quitted me, and then I got up; I then went towards the prisoner with my tuck, I told him I would make the best use of the weapon I had, if he attempted to strike again.

What became of the liquors and tea?—The remainder of the liquors and the tea we stowed after some time, the bag of tea was then there in the cart by us, and some of the geneva.

What became of the liquors?——We got horses after some time, and carried them off.

Did you carry the whole?—We carried off eight casks out of the eleven, I do not know what became of the other three, I did not see them carried away.

Mr. Garrow, Prisoner's Council. Mr. Toy, you had each of you a tuck I believe?—Not all of us.

How many of you had tucks?——I had one, and Woodhouse had one.

What arms had you before you got the supervisor's tuck?——I had it to search with.

So all this contest was about the tea?—The contest was first about the liquor.

How long was it after you made the seizure of the geneva before Woodhouse and Valentine came to you?——I cannot tell, it was some time.

Then you and Valentine went into the field, and there you made a seizure of some more geneva?—Yes.

You left your seizure in the care of Woodhouse, while you went into the field?——Yes.

Now you have said the prisoner made a blow at you, what sort of a stick was it with?——A common Devonshire walking stick.

This was a very uncommon one?——It was a very dangerous weapon, I would not be struck with it for five hundred pounds.

No, nor I with a common walking stick, you have told us that Rundell had a tuck and bludgeon?—Yes.

A bludgeon is infinitely shorter and much thicker?——Yes.

Now did you ever, in the course of your life, see a bludgeon three feet long?—I do not know, I look upon the stick that the prisoner had, to be a more dangerous weapon than a bludgeon.

May be so, so was your tuck stick you know; how much milk punch did you drink after this business was over?—I do not know.

Why who drank the milk punch, the three officers, and the three smugglers?—I did not sit down to drink, I drank none in the house.

Did you drink it in the yard? come, come, it does not make much difference, however you did drink a good quantity?—I do not know what quantity, they offered me several times, and at last I did drink some.

You do not know what became of the other three casks?—Yes.

How soon after the information was the prisoner taken up?—I really do not know.

I will help you, was he taken up till January?——No.

Did you apply to any Magistrate for a warrant against this man?—We acquainted the board with it, and waited the board's directions.

In what month was the indictment preferred?——I do not know.

Was not it in the September sessions? was you present at the time he was apprehended?—Yes.

Did you dine together?——No.

Woodhouse did?—I cannot tell that.

Yes you can, where was he taken?—At Kingsbridge.

Do not you know that he and Woodhouse had been dining together that day?—I do not know, I have heard it from Woodhouse, that the prisoner and he had been dining together the day before.

You cannot tell me how long it was after the

the ſeizure, that Woodhouſe came to you? I cannot ſay, it might be half an hour or rather more.

I think you ſay, you run your tuck againſt his breaſt?—I put the tuck againſt his breaſt, but then I only told him that in caſe he ſtruck me again, I ſhould make uſe of it.

SAMUEL WOODHOUSE *ſworn.*

Examined by Mr. Serjeant Walker.

I am a ſupervifor of excife, I was laſt Auguſt at Kingſbridge, in Devonſhire; Valentine and Toy came to me in the evening of the 1ſt of Auguſt, to acquaint me, that they had received information of ſome ſmuggled or run goods having been landed at Ringmore, and they deſired me to go with them, I told them it was not convenient, but I would meet them the next morning, and I met them the next morning about ten o'clock; it is about ſix, ſeven, or eight miles from Kingſbridge, I cannot be poſitive to a mile; when I met them there in the morning, we agreed to ſeparate, and did ſeparate to ſearch the brakes, and hedges, and fields, and in any place where we thought any thing might be concealed.

Court. The other witneſs ſaid *lakes?*—I found nothing.

Where did you ſee the priſoner?—I ſaw him at Tom Rundell's houſe, there I ſaw the priſoner, and a perſon that was called May, and a perſon that was called Rundell or Randell.

Do you know the Chriſtian name of that man that was called Rundell?—I did not know his Chriſtian name, nor I did not know Inch's Chriſtian name.

But was that the priſoner at the bar?—I ſhould know him again if I was to ſee him; I have no doubt but it is the ſame perſon, I am ſure it is the ſame perſon; I returned back to Ringmore town, and received a meſſage from Mr. Valentine, as I think, by a little girl, to requeſt us to come to him at the parſonage houſe, where one Creſwell lived; I ſaw May and Rundell again in a meadow, where they were making hay; Valentine and me went in conſequence of this meſſage, and when we got there Toy was taking ſome caſks out of a barn into the yard, and after I came, I ſaw three or four taken out, they were all put together in the yard, a ſmall diſtance from the door that goes into the hay loft, or barn; there were ten, I ſuppoſed them to be gin, I did not taſte them, they had ſlings about them, they had the appearance of ſmuggled caſks; I am ſure moſt of them had ſlings about them, and I believe they all had.

Court. What is the purpoſe of the ſlings?——It is to tie them together, to hang them on a horſe.

Is that the uſual method of carrying geneva and ſpirits?——Yes, Sir, it is very cuſtomary ſo to do; they travel ſometimes twenty, thirty, or forty horſes together.

Do fair dealers carry them ſo?—They call themſelves fair dealers, we call them ſmugglers

No, but how do the fair dealers generally convey their liquors?——They generally convey them on horſes, there are very few waggons in the county.

What did you do after this?——It was agreed that I ſhould ſtay by theſe caſks that were ſaved, and that Mr. Valentine and Toy ſhould go into a field adjoining and ſearch for more, they went and I ſtaid in the yard about a quarter of an hour or twenty minutes; Valentine found a caſk before the priſoner came, and a little time after came three men, which were the priſoner, May, and Rundell, into the yard to me, they had ſticks with them.

Deſcribe the ſtick the priſoner had.——The priſoner had one with a very large head, larger than the ſticks that the others had.

How long might it be?——It might be as long as this *(a common walking ſtick.)*

Deſcribe the thickneſs of it?——The thickneſs, it might be thicker than this, there might be three or four prongs, it was the natural growth of the ſtick, and ſo cut off, I do not think thoſe prongs were put in, he had no more than one ſtick, Rundell had two, a ſhort one, a kind of bludgeon,

and a long one besides, one of them was the same sort of stick as the prisoner's, Rundell's walking stick was with a round head, the other was much shorter, and I apprehend it had no head, I believe not; May had only one stick, it was a kind of a walking stick with a great head to it, the other had a kind of a round head, it was different to this gentleman's stick, it was a common walking stick with a round head.

Court. Do you look upon that as an improper stick for yourself or any other person to walk with?——Any person might use it as a walking stick, such as a country farmer might walk with.

Court to Mr. Attorney General, What do you say to this?

Mr. Attorney General. I do apprehend, that this act of parliament certainly does require not only the act to be done, but that the persons doing it should be assembled to the number of three, and that they should be armed with offensive weapons; the question is whether the offensive weapons must be of such a nature as cannot be applicable to any other use but that of offence? now if that is not the construction, there is no weapon but what may be used as an offensive weapon; or whether the legislature meant by this that the weapon which they carried out must be upon the face of it, an offensive weapon: but I should apprehend it might be left to the Jury, whether these men did carry these sticks offensively: to be sure if they had not attempted to have made use of them offensively, it might be too much to say, they were armed with offensive weapons; and though in a case of life, I wish a mild interpretation, yet a stick thicker than this, is a weapon that in my opinion may be made use of to great offence: I contend the construction of this act of parliament is, that they must be so armed, with fire arms or any other offensive weapons, which being used offensively would endanger the life of the man.

Court. Hand up the act of the 19th of Geo. II.

Mr. Garrow. My Lord, it cannot be necessary for me to trouble the Court at all on this point; because I am perfectly convinced, that on reading the act of parliament, the Court will hardly hold what never entered into the brain of any mortal man, which is, that a common walking stick, far inferior to that which the countrymen of Devon walk with, far inferior to the sticks which the macaronies of this town used constantly to walk and to ride with, should be deemed an offensive weapon.

Court to Jury. When we look at the preamble of this act of parliament, it makes it perfectly clear, and recites, that whereas divers resolute persons have appeared in great gangs, in different parts of this kingdom, carrying fire arms, or other offensive weapons; then it says, in the conclusion, to the great terror of his Majesty's peaceable subjects, in defiance of the law; now I do not conceive myself, it can come within the common idea, that persons with common walking sticks can infuse all that terror into his Majesty's peaceable subjects, it should be such as the law calls *dangerous weapons*, for you have that epithet annexed; besides all the people must be active, and armed according to the true intent and meaning of this statute; therefore I think the indictment is not supported as to the two first counts, and with respect to the third count the law is not in force, for the act on which that count is founded, is verbally repealed, and it is made a misdemeanor; therefore myself and my brothers think the prisoner ought to be acquitted.

NOT GUILTY.

Court to Prisoner. William Inch, I hope it will make an impression on you, that you have been tried with the utmost care and impartiality, though you have been removed from the county where the offence was committed, and brought to trial in a different county, yet you have been treated with the utmost lenity: I am in great hopes this will make an impression on you, and that you will yourself, and impart it to those unfortunate persons, May and Rundel, that assisted you, to leave off those pernicious practices:

practices: you was very near being met with upon this indictment; and as it is not possible for any man to act with more honor than Mr. Woodhouse has done, and though it is said, that you have thrown out threats and menaces of doing him an injury, I hope you are now sensible how extremely well that gentleman has behaved here.

Prisoner. I never did threaten him, nor never will.

Mr. Garrow. He would be a very ungrateful wretch if he did. Are you, Mr. Woodhouse, under any serious apprehensions?

Woodhouse. I hope he will not behave improperly, the prosecution was directed against him by the commissioners of excise, it is not an act of my doing; I have no objection to his being discharged.

Court to Prisoner. Will you promise never to molest him?—Yes, Sir, I never will.

Mr. Attorney General. If ever you do, you shall certainly be prosecuted with the utmost rigour for any thing of this sort.

Mr. Serjeant Walker. Or May, or Rundell, or the rest of them.

Court. I will take the opportunity of saying to this prisoner, that leaving this and all acts of parliament out of the case, when the crown is entitled to a revenue, and a particular mode of collecting it is established, though there was no act of parliament that provided a particular penalty for the obstruction of it, yet (and I am in the hearing of two very learned Judges, who will instruct me, or let me right, if I am mistaken) there cannot be a possible doubt, but any obstruction of officers doing their duty is punishable, and a very great misdemeanor: therefore remember, Inch, to what you have been exposed now for what you have done, and what you still remain exposed to, and let it be an additional reason for the regulation of your future conduct.——Let him be discharged.

Prisoner. My Lords and Gentlemen of the Jury, I humbly thank you.

Tried by the first Middlesex Jury before Mr. Justice GOULD.

321. JANE BONE was indicted for feloniously stealing, on the 19th day of February, one copper stewpan, value 5s. the property of John Ward.

GUILTY.

To be confined to hard labour six months in the House of Correction.

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322. KENITH MACKENZIE was indicted for feloniously stealing, on the 28th day of December last, two phaeton wheels, value 10s. and one iron axle-tree, value 10s. the property of John Charlton.

The prosecutor not appearing, the prisoner was

ACQUITTED.

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323. MARGARET FLINN was indicted for feloniously stealing, on the 15th of January last, one silk purse, value 2d. and fourteen guineas, value 14l. 14s. and one half guinea, value 10s. 6d. the property of Joseph Morgan, privily from his person.

The prosecutor not appearing, the prisoner was

ACQUITTED.

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324. JOHN MORRIS was indicted for feloniously stealing, on the 15th day of January last, one printed cotton gown, value 15s. and one check apron, value 1s. the property of Elizabeth Curtis.

GUILTY.

Whipped.

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325. THOMAS JONES was indicted for feloniously stealing, on the 5th day of February, one pair of linen sheets, value 7s. the property of Joseph Dixon, being in-

in a certain lodging room let to him, againſt the ſtatute.

NOT GUILTY.

The preceding five were tried by the firſt Middleſex Jury before Mr. ROSE.

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326. TIMOTHY LEE was indicted for feloniouſly ſtealing, on the 11th of February, four pair of coloured ſilk ſtockings, value 30s. the property of George Payne.

(The witneſſes examined apart.)

GEORGE PAYNE *ſworn.*

I live in Newgate-ſtreet, I am a hoſier; on Friday, the 11th of February, I loſt ſome ſtockings, I came home about half after eight, and found ſome ſtockings on the counter dirty, I ſaw a window broke.

THOMAS GILES *ſworn.*

I heard the cry of ſtop thief! the priſoner ran down Ivey-lane, I caught hold of the tail of his coat, and he ran into a court, and ſomebody knocked him down, and I immediately caught hold of his arm, and found three ſilk ſtockings under his arm, and a young man picked up ſome others and gave to me; I took the priſoner and theſe three ſtockings to Mr. Payne's ſhop.

WILLIAM JONES *ſworn.*

I am a conſtable, I produce ſome ſtockings, I had them in Mr. Payne's ſhop, the witneſs Giles was preſent.

(The ſtockings depoſed to.)

Proſecutor. I have no particular mark on them, I know them to be my property, I had them in my hands, and put them in the window myſelf.

Is there any thing particular in the pattern; the pattern is not uncommon?——I cannot ſay how I know them to be mine, having had them in my hands ſeveral times I know them to be mine, as I do the other goods.

THOMAS WHITTALL *ſworn.*

Going down Newgate-ſtreet, between ſeven and eight o'clock, on Friday the 11th of February, I paſſed two men oppoſite to Mr. Payne's ſhop, juſt after I paſſed them, they turned ſhort about, and looked in at the window, upon which I turned and looked at them, juſt after I ſaw one of them ſtrike his hand through a pane of glaſs, and take ſome ſtockings out, I purſued them as faſt as I could, after he got into the middle of the ſtreet, he threw ſome ſtockings down, I purſued the priſoner, crying ſtop thief! I followed him into Ivey-lane, then I loſt ſight of him, he turned into a court that goes into Newgate-market, I followed him into the place, but did not ſee him taken; I cannot ſwear to his perſon, I ſhould not know the ſtockings again.

RICHARD AUSTIN *ſworn.*

On Friday, the 11th of this month, going along Newgate-ſtreet, I heard the cry of ſtop thief! I ſaw a man go down Ivey-lane, I purſued him, a man ſhoved him down, and he threw the ſtockings down, I picked up three in the court, and gave to Giles, he took them in his hand to Mr. Payne's, and I afterwards picked up another pair, and carried them to Mr. Payne's.

Who was the man that had the ſtockings and was ſtopped?—The priſoner, I was cloſe to him, I was not three yards from him.

PRISONER's DEFENCE.

I work at the water ſide, I heard the cry of ſtop thief! I ſaw a man with a parcel of ſtockings, he threw them down, I picked them up, and run after the man, and they took me: I am an entire ſtranger to London.

GUILTY.

To be impriſoned ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. Juſtice BULLER.

327. WIL-

327. **WILLIAM KYBERD** was indicted for feloniously ſtealing, 500 lb. weight of printed paper, value 20l. the property of John Harriſon, in his dwelling houſe.

The caſe opened by Mr. Silveſter.

(The witneſſes examined apart.)

WILLIAM PARSON *ſworn.*

I am a cheeſemonger, I know the priſoner; the latter end of December the priſoner came to me, and aſked me, if I wanted any waſte paper; we uſe a great deal of it, I told him that was an article we never refuſed; I aſked him how much he had; he ſaid it was very clean, he told me his father was a printer, near Black-friars-bridge, that he had got a good many numbers, which were incorrect, and he had prevailed on his father to diſpoſe of them; he brought me a ſample, about an hundred weight in a bag; when he took it out of the bag, I aſked him, what he muſt have for it; he told me twopence halfpenny a pound; I offered him two-pence, or elſe he might take it back again; he ſaid I ſhould have it, and I weighed it; he ſaid he had ſome more, and in the courſe of the next day he brought ſuch another parcel; I weighed it, and paid him for it: I ſaw no more of the priſoner till I ſaw him at Guildhall, he was at my houſe with ſome paper afterwards, but I was not at home.

Are you ſure that is the man you purchaſed the paper of?—Yes.

What did you do with the paper you purchaſed of him?—I put it on a ſhelf in my ſhop for uſe, and ſome time after that, Mr. Macdermot, a cheeſemonger, came into my ſhop, and aſked me to let him have a little waſte paper; and ſome I ſold to Mr. John Lowes, and ſome to Mr. Nathaniel Bell; I did not ſell any to any body elſe.

Have you any of it now?—Yes.

Mr. Garrow. Is this that you are going to produce, any of that which you bought yourſelf at either of thoſe two times?—That I cannot ſay.

HENRY BRATHWAIT *ſworn.*

I am apprentice to Mr. Parſons, the cheeſemonger, I purchaſed ſome paper from the priſoner in December.

What quantity did you purchaſe?—He came twice or thrice when my maſter was out of the way, and he bought about an hundred weight at a time of him.

Is that ſome of the paper?—This is ſome of the ſame ſort, I cannot ſay it is the ſame bundle I bought of him, and paid for.

Was you preſent when your maſter bought them?—Yes, it was the ſame ſort that I ſaw.

Mr. Garrow. There are a great many thouſand reams of the ſame ſort in this town, you do not mean to ſay that any part of that is the ſame?—No.

Where was it laſt night?—It was left with a perſon yeſterday.

Court. Are there any marks upon it by which you know it to be the ſame paper?—Here are ſome of the marks of the chalk.

Do you mean to ſwear, by thoſe marks, that that is the paper you bought?—No.

Mr. Silveſter. Where does it come from now?—From the Pitt's Head.

Mr. Silveſter to Parſons. Look at that paper?—I know it to be the ſort of paper.

Had you any of that kind or ſort from any body elſe but the priſoner at the bar?—No.

——— MACDERMOT *ſworn.*

I am a cheeſemonger, I purchaſed ſome waſte paper of Parſons, I cannot ſay what month it was in, I had it home, and uſed a part of it, the other part I have now by me, there is a bundle of it there.

Mr. Garrow. Before it is produced give me leave to aſk you in whoſe poſſeſſion it has been ever ſince?—I bought it of Mr. Parſons over night, it was late, and I ſent my cart for it next morning, and my man brought it.

Is your man here?—No.

Then you do not know where he brought it from.

Court. Did you ſee the paper you went to buy?—Yes.

What ſort of paper was it?—Such paper as that, I ſaw it then, and weighed it likewiſe, it was about three hundred and a quarter.

Mr. Garrow. Did you weigh the paper your man brought home?—No.

Then by the weight you do not know it was the ſame you ſaw at Parſons's; it had the Bible printed on it?——I really do not know that.

It was the ſame ſize paper?——I never looked at the inſide of it.

That bundle of paper which you produce in whoſe cuſtody has it been?——It lay in my houſe till laſt night, it was left at the Pitt's Head.

It may have been changed?——I cannot ſay.

How many people have you employed in your ſhop?—Three or four.

Any of whom may ſell it, or exchange it?—Yes.

Priſoner. My proſecutor is ſpeaking to one of the witneſſes againſt me.

JOHN ROSE *ſworn.*

I have ſome paper here which I bought of Mr. Parſons, this is the ſame.

Mr. Garrow. How do you know it is the ſame?——Becauſe I bought it of Mr. Parſons, and put it on the ſhelf, I took it out of the coach, and carried it into the Pitt's-head, my lad put it in, I took it down myſelf.

How long before had you bought it?—Some time, I believe the beginning of January, it had been upon the ſhelf near two months, a good deal of it had been uſed.

How many ſervants have you?——Two, ſometimes I ſell ſome, and ſometimes my ſervants, in my abſence.

Do you know it by any thing except its ſize?——I put my name upon it, I had no other paper in the houſe.

Court. I ſuppoſe you keep your paper in ſome particular part of the ſhop?—On the ſhelf.

Do you attend your ſhop yourſelf?——Yes.

Have you any other paper?——No, only a few leaves, the ſize of a common prayer book, ſo that I can be ſure it is the ſame.

JOHN HARRISON *ſworn.*

I live in Newgate-ſtreet, the priſoner was my ſervant and warehouſe man.

Look at this paper?——This is the old Bible that I printed two or three years ago, this is my property, part of it is Rapin's Hiſtory of England, part of it is the old Bible, and part of it an octavo prayer-book, and here is a ſample for the ſatisfaction of the Court to compare, if required.

EDWARD GOLDSPRING *ſworn.*

I keep the Pitt's-head, ſome parcels of paper were locked in the cellar laſt night I did not ſee them come in, but when I did go to the cellar they were there, and I delivered thoſe parcels out this morning.

Mr. Garrow to Proſecutor. How long had this young man been with you?—About ſix or ſeven months.

What was his character?—If you think proper, I will give you an account of all I know about his character, I would not have kept him in my ſervice ſo long, if I had not thought him honeſt, but I loſt upwards of five hundred weight.

You cannot aſcertain how long that might have been going?——He might have been ſtealing that paper for twelve months to come, and I never miſs it; I ſuppoſe there is five or ſix thouſand pounds worth there, it is impoſſible to aſcertain how much I loſt out of ſo great a quantity, ſome of it was printed two or three years ago, ſome of it is a new Bible that is juſt finiſhed about a fortnight or three weeks ago.

When was that part finiſhed that is produced?——About three or four years ago.

When was that part of Rapin's Hiſtory finiſhed that is in that bundle?——It is a hundred ſheets of one ſort of hiſtory, there is a hundred of another, and they are all different

different parts, a latter part, a firſt part, and all.

How long ago was the latter part of that hiſtory printed by you?——A part of the Bible, and that part of the Hiſtory of England, I believe not above ſix months ago; all the new Bible has been printed in the courſe of two years, it was finiſhed about three weeks ago.

Did much of it remain unfiniſhed within two months paſt?——I can ſafely ſay, the Hiſtory of England, and the Bible were not finiſhed ſix months ago, this bundle conſiſts intirely of the old Bible.

Look at the other parcels?——This is chiefly the new Bible.

When was the lateſt of that Bible printed?—About thirty weeks ago.

When were theſe ſheets printed?—This is page 158, we are now printing about four hundred, I believe this was done about three or four months ago.

Mr. Garrow. Where were theſe works printed?——At my own Printing-office in town.

You always print a certain number over for waſte?——There is what they call over paper for proofs, only this is not proofs.

But after you had printed a certain number of ſheets for uſe, you print ſome over paper after?——I can ſay this in anſwer to that, that I never ſold a ſheet ſince I began buſineſs, and that there is no waſte paper mong the men, till I leave of printing.

Is not it your cuſtom to print over paper to ſupply defective ſheets?——We do print what they call over copies.

JOHN HILL *ſworn.*

I work with Mr. Harriſon, I went to ſee the priſoner, we were all ſurpriſed, I aſked him, ſays I, you have taken a large quantity of paper, I find, and he ſaid, he had taken it.

Had not you ſaid this to him, that it would be better for him to confeſs?—No, I never aſked him any ſuch thing; in the courſe of the converſation, I underſtood from Mr. Harriſon, that he had taken above a ton weight, but when I came to tell him, he ſaid, he had not taken above five hundred.

Priſoner. I did not tell him that; I told him, there was only five hundred laid to my charge by the proſecutor.

Court to Hill. You ſaid, that he told you, he had not taken about five hundred; he ſays, that all he told you was, that there was only five hundred laid to his charge?—He probably might ſay ſo, but I underſtood him, that he had not taken above five hundred.

ROBERT FARQUHAR *ſworn.*

I work for Mr. Harriſon, I paid a viſit with Hill, but it was of a different nature from aſking any queſtions about this matter; I heard ſome words paſs between them, but there were ſeveral people in the company, and the room was very cloſe, and I was not near enough to diſtinguiſh between them.

PRISONER's DEFENCE.

I can ſay this, that I never took the paper; I never went there to work in the morning till after eight, and left it at eight, during this time the ſhop was full of people, I had no opportunity of being alone, and it is impoſſible that I could take it.

ROBERT COLLINS *ſworn.*

I am a book-binder in Warwick-lane, I have known the priſoner this nine or ten years, he worked for me, and I have truſted him with a great deal of money, and my property; and I have always found him an honeſt man, and that is his general character.

HENRY CLARK *ſworn.*

I live in the Borough, I am a carpenter; I have known him between twelve and thirteen years, I have truſted him with property to a conſiderable amount; I always found him a truly honeſt man, that is his general character; I have gone out, and left my houſe with plate, money, and goods and him in it, and found it juſt as I left it, on my return.

ED-

EDWARD MUSGRAVE *sworn.*

I have known him about eight years, I knew him in the garrison of Gibraltar, he was a gunner under my inspection, I was bombardier; he always behaved like an honest young man, and bore a universal good character in the garrison, by all the officers and men; he was always an honest young fellow till this time.

DAVID COE *sworn.*

I live in the Borough, I keep an academy; I have known him seven or eight months, and his family a great many years, he had a general honest, good character, I would have trusted him with a hundredpounds, his father used to be steward to noblemen.

HENRY WESTLEY *sworn.*

I am a book-binder, in Prujean-square: I have known him ten or eleven years, I never hear a bad character, but always steady, sober, and honest.

ROBERT THOMAS *sworn.*

I have known him for a year and a half, a very sober, honest, and industrious young man, always assiduous in his business.

Mr. Garrow. I have more witnesses, but I have called enough.

GUILTY

Of stealing to the value of 39s.

Transported for seven years.

Tried by the London Jury before Mr. Justice BULLER.

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328. ELIZABETH BALDWIN was indicted for feloniously stealing on the 4th day of February, six silver tea spoons, value 10s. one silk cloak, value 20s. one handkerchief, value 3s. one muslin apron, value 8s. one pair of silver shoe buckles, value 10s. the property of James Paul, in his dwelling house.

Part of the things were taken upon the prisoner at the work-house, and some were produced which she had pawned. The prisoner was a weekly servant to the prosecutor.

PRISONER's DEFENCE.

On the 4th of February, I believe it was, I went in to make the bed, and I took these things; I had not it in my head an hour before, and when I had taken them, I did not know what to do with them, and I went to a place where I was sure she would come for me, and I delivered the things into my mistress's hands.

GUILTY

Of stealing to the value of 25s.

To be privately whipped, and confined to hard labour six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. ROSE.

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329. JOHN ELLIS was indicted for feloniously stealing, on the 14th day of February, three pounds weight of Spanish wool, value 9s. the property of a certain person unknown.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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330. THOMAS SAWYER was indicted for feloniously stealing on the 23d day of January last, one linen shirt, value 3s. one neck cloth, value 1s. and one handkerchief, value 1s. the property of William Stone.

William Stone deposed, that coming down St. Andrew's-hill, on Sunday the 23d of January, about half after five, in a whisky, the horse startled, and he heard the head of the

the chaiſe cut, and ſaw the priſoner with a handkerchief run acroſs the ſtreet, and give it to another man; the proſecutor jumped out, and took him.

Henry Ewer ſaw the priſoner running and the proſecutor purſuing him.

Stephen Rawlinſon ſaw the priſoner behind the chaiſe and jump down, and the proſecutor purſued him.

Priſoner. I was walking down the ſtreet when Mr. Stone laid hold of me, and another man run paſt me.

The priſoner called ſeven witneſſes who all gave him a good character.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. Baron PERRYN.

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331. EDWARD ROBERTS was indicted for feloniouſly ſtealing on the 3d day of January laſt, three gallons of lamp-oil, value 6s. the property of John Lewis.

And WILLIAM COLLEY was indicted for feloniouſly receiving the ſame, knowing it to be ſtolen.

BOTH NOT GUILTY.

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332. TIMOTHY SULLIVAN was indicted for feloniouſly ſtealing, on the 27th day of January laſt, one hundred and ten pounds weight of lead, value 5s. belonging to James Jones, then and there fixed to a certain building of his, againſt the ſtatute.

NOT GUILTY.

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333. JOHN BABBITT was indicted for feloniouſly ſtealing on the 20th of January laſt, one cotton gown, value 8s. one ſilk petticoat, value 5s. four pair of ſheets, value 40s. a table cloth, value 2s. one ſilk handkerchief, value 5s. three linen ſhirts, value 2s. one cotton counterpane, value 5s. one pair of blankets, value 7s. one pillow, value 2s. one pillow-caſe, value 6d. the property of Mary Thomas, in her dwelling houſe.

Mary Thomas. I live at Stepney-green, on the 20th of January, I miſſed the things mentioned in the indictment; and a man jumped out of my room window upon my ſcreaming out; I found the ends of my things juſt hanging out of the window, and I ſaw a man go out of the yard, and I am ſure it was the priſoner's back, but I did not ſee his face till he was taken; he went off with the things, he made a bit of a run when he got out of the gate; I afterwards found my trunk and things.

(Depoſed to.)

John Porter and Edward Porter, Richard Seymour and *John Macguire*, apprehended the priſoner, having ſeen him in the yard.

PRISONER'S DEFENCE.

I was going to meet a friend at Stepney, and I ſtepped into a pair of gates to make water, and I heard the cry of ſtop thief! and I was looking to ſee where it was, and they took me.

The Priſoner called one witneſs who gave him a good character.

GUILTY,

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

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334. THOMAS JONES was indicted for feloniouſly ſtealing, on the 28th day of January laſt, 113lb. weight of lead, belonging to John Langley, and affixed to his dwelling houſe, againſt the ſtatute.

JOHN LANGLEY *ſworn.*

I live in Gower's walk, Whitechapel;

I keep a houſe there, on the 28th of January laſt my property was ſafe, I was with the bricklayers, it was half paſt five, and day light; on Monday morning about a quarter paſt ſeven, I ſaw the tiles lay upon the parapet on the firſt houſe, and I found the whole length of the gutter was gone; I found the lead afterwards at the watch-houſe, which was mine.

JOHN ASTON *ſworn.*

I am a plumber, I put on this lead for the proſecutor, this piece I marked, 4014, I can ſwear to it.

WILLIAM COBB *ſworn.*

I am a patrol, in Whitechapel; on Saturday morning the 29th of January, about half paſt five, I ſaw the priſoner wheeling a barrow with lead, in Caſtle-alley, juſt about a quarter of a mile from the proſecutor's; I aſked him what he had got there, he ſaid, lead; there was a little boy with him, with a pig of lead in his apron, I put it into the barrow, he ſaid, he worked for Mr. Baſe, a bricklayer, in Vine-ſtreet, Spital-fields; he ſaid, the boy was an hod boy, I told him he muſt carry the lead to the watch-houſe, he made no reſiſtance, he ſaid, his maſter would be that way in half an hour; but juſt as we were going into the watch-houſe, the priſoner and the boy run away, the priſoner was purſued and brought to the watch-houſe: at the watch-houſe, he ſaid, he was a velvet weaver, and the boy with him, gave him a ſhilling to wheel the lead for him; the beadle deſired to ſee the ſhilling, and he pulled out one from his pocket.

Thomas Simpſon a watchman, and *James Matthews* a beadle, confirmed the above.

The priſoner called three witneſſes to his character.

GUILTY.

Tranſported for ſeven years.

335. JOSEPH SHARP was indicted for feloniouſly ſtealing, on the 27th day of January laſt, two iron bolts, value 3d. eight pounds weight of tire nails, value 2s. twenty pounds weight of iron, value 2od. the property of Hannah Uze; and two flannel jackets, value 1s. and one iron crow, value 1s. the property of James Walker.

John Shaw a watchman, took the priſoner with the property on him, which the ſhopman ſaw in the ſhop the night before.

GUILTY.

Tranſported for ſeven years.

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336. MARTHA COTTON was indicted for feloniouſly ſtealing, on the 27th day of January laſt, thirty yards of black ſilk mode, value 3l. thirty-three yards of black ſilk lace, value 20s. twenty yards of ſilk ribbon, value 10s. four pair of leather gloves, value 6s. ſix yards of gauze, value 6s. and eight paper fans, value 12s. the property of James Hartſhorn.

Mr. Peatt, Council for the Priſoner, obſerving that the indictment was erroneous, the name of Mr. Dyde, Mr. Hartſhorn's partner being omitted therein, the priſoner was

ACQUITTED.

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337. EDWARD ROBERTS was indicted for feloniouſly ſtealing, on the 3d day of February, one tin oil can, value 1s. and two gallons of lamp oil, value 4s. the property of John Lewis.

JOHN LEWIS *ſworn.*

On Thurſday evening the 3d of February, a little after ten, Henry Croker belonging to the Bow-ſtreet office, called upon me, and ſaid, he had ſtopped a man near Bagnigge Wells, with a pot of oil; in the morning I went to Bow-ſtreet, and there

there I ſaw the priſoner, who was my old man, and had worked for me near four months, he was ſtopped as he was going from work: I ſaw an oil can there which I cannot ſwear to, but one of the witneſſes can; the keys were frequently left in the ſhop, ſo that the priſoner might get at it, it was what they call whale oil, for lamps, it was not mixed, it was plain.

HENRY CROKER *ſworn.*

I am one of Sir Sampſon's patrols, on the 3d of February, about half paſt nine at night, I ſtopped the priſoner near Bagnigge Wells, with this can of oil, he ſaid, it was oil, and he brought it from a perſon at Iſlington, from the White Swan, from a lamplighter that was lame, and had fell off the ladder; he ſaid, he was going to carry it into Drury-lane; he ſaid, he had been at work that day, but who he ſaid he worked for, I cannot ſay, but I know he did not ſay he worked for Mr. Lewis; he ſaid, the landlord of the Swan would have nothing to do with it, but that there was a boy in waiting at the door that he took it from: I found out the proſecutor, *(The can and oil produced)* the can has been in my poſſeſſion ever ſince, except when I came backwards and forwards here.

JOHN CLAYTON *ſworn.*

I know that can to be my maſter's property; we have uſed it a great while in the ſhop, as a watering pot.

FRANCIS COOLING *ſworn.*

I am an evidence; on the 3d of February laſt, I delivered this can of oil out of the warehouſe, in the evening about eight, I put it upon the green by the warehouſe, for this priſoner to take it; there was the ſame quantity of oil in it which is now, it was whale oil; the keys of the warehouſe were in the ſhop, and this oil was locked in the warehouſe.

Court. Did you take the keys out of the ſhop?——Yes.

Did the priſoner know it?——Yes.

Was this your maſter's oil?——Yes, I did not ſee the priſoner take it away, but he told me to leave it in one particular place on the green, in the duſthole, the corner of the green, between ſeven and nine; he ſaw me that evening before I did it, and aſked me about it.

PRISONER's DEFENCE.

This day month as nigh as I can gueſs, I left work about eight, and went to the public houſe; and the laſt witneſs came in, and aſked me to carry a can of oil for him, as he had been out all day, and was tired; I found it on the green near the duſthole, and carried it a little way, and the patrol took me: Cooling aſked me to carry it, and ſaid, he had above ſeventeen gallons ſent him from the country, and he had a ſample with him.

WILLIAM AUSTIN *ſworn.*

I live at No. 28. in the Strand, Cooling ſaid, his couſin lived at Deptford, and I ſaid, I would not purchaſe it, unleſs it was come honeſtly by.

GUILTY.

Tranſported for ſeven years.

The laſt ſeven were tried by the firſt Middleſex Jury before Mr. ROSE.

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338. GEORGE EDMUNDS was indicted for feloniouſly ſtealing, on the 23d day of February laſt, two linen aprons, value 2s. two towels, value 6d. the property of Blanch Evans, two linen aprons, value 6d. five rubbers, value 6d. and one deal box, value 1d. the property of Clayton Clecherow.

The parties not appearing, the priſoner was

ACQUITTED.

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339. EDWARD WALKER otherwiſe FINES was indicted for feloniouſly ſtealing,

ſtealing, on the 9th day of October laſt, one metal candle-ſtick, value 3s. the property of John Hudſon.

The priſoner was taken inſtantly after the theft, with the property upon him.

GUILTY.

Tranſported for ſeven years.

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340. SARAH WHITWORTH was indicted for feloniouſly ſtealing, on the 3d of January laſt, one cotton gown, value 10s. one ſilk handkerchief, value 3s. one pair of ſtockings, value 6d. the property of Benjamin Hart.

NOT GUILTY.

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341. JAMES RILEY was indicted for feloniouſly ſtealing on the 14th day of January laſt, ten pounds weight of cheeſe, value 3s. the property of William Weeden.

GUILTY.

Whipped.

Theſe laſt four were tried by the ſecond Middleſex Jury before Mr. ROSE.

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342. SOLOMON GOLDSMITH was indicted for feloniouſly receiving on the 24th day of November laſt, one watch with the inſide caſe and outſide caſe made of ſilver, value 20s. one watch key, value 1d. the property of Solomon Greentree, for the ſtealing whereof, Charles Medley was tried and convicted, at the General Seſſions of our Lord the King, holden for the City of London, on Wedneſday the 8th day of December laſt, knowing the ſame to have been ſtolen.

Solomon Greentree called on his recognizance, and not appearing, the affidavit of notice of ſurrender was read.

The Record of the Conviction of Charles Medley, read by Thomas Shelton, Eſq; Clerk of the Arraigns, and examined by Mr. Peatt, the Priſoner's Council.

WILLIAM JONES *ſworn.*

On the 21ſt of November, I was ſent for by Solomon Greentree, to take charge of Medley, for ſtealing a watch out of his ſhop, in conſequence of an information, I went to the priſoner's houſe in Chick-lane, a chandler's ſhop, and pawnbroker's: I took Warren with me, Medley was aſked who he had ſold the watch to, and he ſhewed us the priſoner.

Court. Was the priſoner preſent?——He was.

What did the priſoner ſay?——He ſaid, he had got the watch, and he went up ſtairs to fetch it, and Warren followed, and I ſaw the priſoner take the watch out of a bureau facing; I did not go into the room, but it was facing the door, I could ſee him; he then turned round and came down ſtairs, and I followed him, then the priſoner came down ſtairs, and ſaid, it was pledged with him, and Warren, me, and Greentree, wrenched it out of his hands, he refuſed to deliver it without the money that was paid for it, but they got it away from him; after Medley was tried, the watch was delivered up to Greentree.

Mr. Peatt, Priſoner's Council. The priſoner was in a back-room?——Yes, there was a partition, but the door was open.

THOMAS WARREN *ſworn.*

On the 21ſt, it was a Sunday evening, I went with Jones to the priſoner's houſe, I took the boy (Medley) before me, I told him to ſhew me the perſon that bought this watch, and he pointed to the priſoner; I told the priſoner I came about a watch that was ſtolen, and muſt have it, he ſeemed a little confuſed: he ſaid to his wife, give me the keys, I followed him, he ſaid, you need not, I ſaid, I will, and he opened a bureau, and took out the watch; the boy declared in his preſence, that he gave him half a guinea for it, and he told him

he would make it up another time; the boy asked him a guinea and an half.

What answer did this prisoner make to what the boy said?—He said, he lent him half a guinea on it, but the boy persisted that he gave him the half-guinea for it; he would not deliver the watch without the half guinea, I laid hold of the watch, and took him to the Compter with the boy.

Did any thing pass in your presence afterwards?——We preferred the bill of indictment against him after Medley was tried, and says the prisoner to Greentree, who was over the way, I am surprized you should go and prefer a bill of indictment, when I have paid forty pounds into the hands of your attorney, and you have signed a paper.

Did he say for what purpose he had paid it?——Not to prosecute him, and that the other had signed an agreement for it; and I said to the prosecutor, I thought there was some villainy work in this, says he, I know I have done wrong by signing the paper I did sign; this was said in the presence of Jones the constable, and in the room where he was, he must have heard it.

Court. Was the watch that was produced upon the trial of Medley, the same watch that you found at this man's house?——Yes, I produced it, it was the same I found on the prisoner.

Mr. Peatt. Will you take upon you to say that you heard the word *prosecute*, when this conversation passed?——Yes, upon my oath I will; they came to me very often and wanted me to be concerned in this business, but I did not chuse it.

Who was the prisoner's attorney in this business?—I do not know.

Court. If I knew who he was, I should direct him to be prosecuted for a misdemeanor, in compounding felony.

Court. Where does Greentree live?—He keeps the tap at the King's-head eating house, in Ivey-lane.

Mr. Peatt. The prisoner keeps a pawnbroker's shop?——Yes; there was no duplicate upon this watch.

Mr. Peatt. Does your Lordship call upon us for a defence?

Court. Certainly.

THOMAS FISHPOOL *sworn.*

Court to this witness. Be careful what you say, because if you are caught tripping, I shall certainly direct a prosecution against you; therefore take care to say nothing but the truth.

Fishpool. On the 21st of November there was a lad come into the shop, with a silver watch, and asked Mr. Goldsmith to lend him the sum of a guinea upon it; he refused to take it in several times, but upon pleading very hard, that it was his father's, and that he should take it very kind if he would let him have that money, as he was distressed; with a great deal of persuasion, he told him he would lend him the sum of half a guinea upon it; he said he should be very thankful if he did, and that he should certainly redeem it the next day, for his father was much distressed: upon this Mr. Goldsmith ordered me to enter it in the book, which I have done; I made the entry myself at the time the lad was in the shop.

Court. Produce the book.

(The book handed up.)

Jury. Has your master a licence to keep a pawnbroker's shop?——I do not know indeed.

Warren. He acknowledged he had not to me.

Court. It appears from this book, Gentlemen, that this article is plainly made in the usual course of business, at the time.

Court to Fishpool. How long have you lived with this man?——Above two years, he is a painter by trade.

Mr. Peatt. So you work with the prisoner sometimes?——Yes, but I am constantly in the house.

What character does the prisoner bear?——A very good character.

The prisoner called two other witnesses who gave him a good character.

Court to Jury. It appears that this watch was pledged by Medley to the prisoner, but whether pledged or bought, the receiving it knowing it to have been stolen, is the offence charged in the indictment.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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343. FRANCIS SCOTT was indicted for feloniously stealing, on the 1st day of February, one shag waistcoat, value 6s. one cloth coat, value 10s. one cotton gown, value 5s. one linen shirt, value 6s. and one muslin shawl, value 3s. the property of John Richards.

The prisoner was stopt coming out of the prosecutor's house with the several things upon him.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

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344. JOSEPH PAYNE and JOHN CLAYTON were indicted for feloniously stealing, on the 4th day of February, one cloth jacket, called a threshing jacket, value 8s. the property of James Brown.

BOTH NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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345. CHARLES ZACHARY was indicted for feloniously stealing, on the 24th of January last, one coachman's box coat value 8s. and one pair of green plush breeches, value 8s. the property of ——— Bull, Esq; two pair of leather shoes, value 8s. one pair of leather pumps, value 4s. one silk handkerchief, value 6d. one linen handkerchief, value 3d. one pair of metal buckles, plated with silver, value 1s. one striped serge waistcoat, value 1s. and one man's hat, value 6d. the property of John Langston.

The prisoner was permitted to sleep in Mr. Bull's stables, and stole the things mentioned in the indictment, they were taken upon him.

GUILTY,

Whipped.

Tried by the London Jury before Mr. ROSE.

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346. RICHARD WALKER was indicted for feloniously stealing, on the 9th day of January last, one copper pottage pot and cover, value 3s. the property of Edward Coleman.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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347. THOMAS DOUTY was indicted for feloniously stealing, on the 13th day of January last, one linen handkerchief, value 6d. the property of William Stapleton.

The prosecutor was coming up Snow-hill, and felt a hand in his pocket, and turned round, and saw the prisoner with his handkerchief in his hand, which he saw him drop.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. ROSE.

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348. ROBERT MOTT was indicted for feloniously returning from transportation,

tion, and being found at large, on the 18th day of January laſt, without any lawful cauſe.

——— TWYFORD *ſworn.*

I am a man's mercer in the Strand, I have ſeen the priſoner before, I ſaw him when I took him in my ſhop, I proſecuted him for a burglary, he was convicted of ſtealing, I am ſure he is the man.

Priſoner. I am the man.

(The record of the priſoner's conviction in January ſeſſions laſt produced, and read by Thomas Shelton, Eſq; clerk of the arraigns.)

JOHN OWEN *ſworn.*

I am ſervant to Mr. Akerman, in January 1784, the priſoner was tried and convicted, for ſtealing goods of Mr. Twyford, he was tried capitally, and they took off the capital part.

Court. Are you ſure he is the man, that was tried for that offence?——I am ſure of it, I knew him perſonally before.

JOHN SAYRE *ſworn.*

I attend at the Rotation Office, in Litchfield-ſtreet, on the 18th of laſt month, I was coming over Black Friars Bridge, and I met the priſoner, I knew him, I had known him a twelvemonth before, I laid hold of him, I aſked him if he had any piſtols, he ſaid no; I immediately called a coach and put him in, and took him to the Cock in Litchfield-ſtreet, and upon ſearching him, I found this box of bullets in his breeches pockets.

GUILTY, *Death.*

Tried by the London Jury before Mr. ROSE.

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349. JOSEPH PAYNE was indicted for feloniouſly ſtealing, on the 12th day of February, eight pair of worſted ſtockings, value 10s. the property of Hannah Edwards.

WILLIAM STEELE *ſworn.*

On the 12th of February, between twelve and one, I was ſitting in the proſecutrix's kitchen, and I ſaw a man juſt going out of the ſhop door, and I immediately ran after him, and I found theſe ſtockings under his jacket.

(Depoſed to.)

PRISONER's DEFENCE.

I was very much in liquor, and a young fellow whom I met gave them to me to carry.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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350. GEORGE PATTERSON and JAMES DONOVAN were indicted for feloniouſly ſtealing, on the 14th day of January laſt, one deal drawer called a till, value 1s. and ſeventy-two copper halfpence, value 3s. and one ſhilling and ſixpence in monies, the monies of John Oldham.

The priſoners were taken in company together in the ſtreet, with the till in the hand of Patterſon.

PRISONER, PATTERSON's DEFENCE.

I picked up the till in the ſtreet, with the money in it.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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351. JOHN LEE was indicted for feloniouſly ſtealing, on the 20th of January laſt, fifty-ſix pounds weight of lead, value 8s. belonging to Peter Martin, and then and there affixed to a certain dwelling houſe of the ſaid Peter, againſt the ſtatute.

The

The prisoner was taken by the watchman, with two pieces of lead upon him, which were fitted to the gutter of Mr. Martin's house, and matched exactly.

GUILTY.

Whipped, and confined six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. RECORDER.

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352. ELIZABETH HIPPESLEY was indicted for feloniously stealing, on the 24th of February, one silver watch, value 3l. a steel chain, value 2d. a stone seal set in base metal, value 1d. a base metal key, value 1d. a pair of worsted garters, value 2d. one guinea, value 1l. 1s. and five shillings in monies numbered, the property of William Fincham, in the dwelling house of a certain person unknown.

WILLIAM FINCHAM *sworn.*

I am a master butcher, last Thursday night I met with the prisoner, just at the end of Fleet-market, and in the course of the evening, I agreed to go home with her, it was between eleven and twelve, I was sober, and sensible of every thing that was going on.

Where had you been that evening?——To an acquaintance in London, I went about seven.

What did you drink?—A little porter, I was in three or four different companies.

Did you drink in them all?——No.

Did you ask her to go with you, or did she ask you to go with her?—That I cannot resolve you.

Where did you go with her?——In the course of evening I went home to her lodgings, as nigh as I can recollect between eleven and twelve; I first met her about six, I maintain a house in Portpool Lane, I did not stay with her three minutes, I gave her a glass at the bar, but I drank nothing, I then went to a friend's on Air-street-hill, and left her there; I never saw her before then, I came home with her to her lodgings between eleven and twelve.

Where are her lodgings?——They are upon Saffron-hill, but I cannot tell you exactly what is the name of the person that keeps the house.

Did you make any enquiry whose house it was?——No.

Did you see any other people in the house?—No, the door was open, and we went up one pair of stairs, we went to bed together; between one and two I awoke, and missed the property that is in the indictment; I saw my watch before I went to bed, and wound it up, I have seen the watch and garters since; it is a very particular watch, it has a hare and hounds upon the face of it; I know the chain, I have had it two years, the seal was a blue seal, bought on London-bridge, it cost me three-pence, I do not know the impression of it, the key was quite a common key; I know the garters, I always put them in my pocket of a night; I put my watch into my fob, there was no other woman in the room with me; at two o'clock I missed my things and the girl was gone, I got the watchman and searched for the things about the bed; I was going to enquire for her the next morning, and I met her in Fleet-market, and charged her with the robbery, she said I rob you! you fool, what do you mean by that? I took her to the public house, and sent for a constable, and while I sent for the constable, she produced my watch out of her pocket.

Had you then told her it would be better for her?——I had, she said she had none of it; the constable said to the girl, let me look at your legs, and she took off one of my garters, which I will swear to.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Elizabeth Hippeſley.

Priſoner. Did not you give me the watch, and tell me to keep it till you came the next morning and gave me a crown?—No, no ſuch thing, why ſhould I do that, when I had plenty of money in my pocket, I ſaw the money in her room.

Priſoner. Did not you tell me, you had loſt all your money at cocking, and gave me the watch till you brought me ſome money?—No.

Court. Did you win or loſe at cocking that night?—I cannot tell.

GEORGE MORRIS *ſworn.*

I am conſtable for the liberty of Saffron-hill, I never ſaw the priſoner before I was ſent for by the proſecutor, to take this woman into cuſtody on Monday morning; I firſt ſaw her at the end of Field-lane, the firſt houſe on Saffron-hill, the ſign of the Caſtle; the gentleman of the houſe gave me this watch, the proſecutor deſcribed the garters to me as mixed garters, I took one off, and he ſaid it was his garter, ſhe took the other off, *(the garters depoſed to)* ſhe did not deny they were his garters, only ſhe ſaid he gave them to her.

Proſecutor. She had three, if not four half crowns, beſides ſhillings and ſome halfpence.

PRISONER's DEFENCE.

I made no heſitation to give him his watch which he left with me, only I ſaid it was neceſſary he ſhould give me the preſent he promiſed me.

GUILTY.

Of ſtealing, but not in the dwelling houſe

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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353. MARY MORTON was indicted for feloniouſly ſtealing, on the 15th of January laſt, three pieces, containing ſeventeen handkerchiefs, value 18s. the property of Joſeph Capps, privily in his ſhop.

ROBERT HARDY *ſworn.*

I am ſervant to Mr. Capps, on Saturday, the 15th of January, the priſoner came into our

ur ſhop in the afternoon, I think it was tween four and five, ſhe aſked to look at me handkerchiefs, I believe I have ſeen er two or three times before; the witneſs ymonds ſhewed her ſome handkerchiefs, d I believe ſold her two or three, he had me ſuſpicion of her, and intimated it to e, for he was engaged with two or three ore cuſtomers, at the ſame time he kept herefore ſome handkerchiefs, and deſired e to take notice; ſhe ſtood by the ſide of he counter, and I thought the handkerchiefs ere all ſafe.

Were any handkerchiefs on that ſide the counter?—None that I know of, I did not ee her take them up, only by her confuſed manner of going from the counter, I thought he muſt have ſomething; ſhe took her change in a hurry; as ſhe was going out of the ſhop, he mentioned to me, that he ſuppoſed ſhe had got ſomething more than her own, I jumped over the counter, and followed her to the outſide of the door; I put my hand round her waiſt, and told her, I ſuppoſed ſhe had ſomething more than was her own, ſhe ſaid no, ſhe believed ſhe had not; I told her ſhe muſt go back along with me, and I kept my hands on ſomething under her cloak, that appeared like theſe handkerchiefs; I kept her by me, and in crowding her up to the door, in ſhoving her up the ſtep, my hands was from her, and theſe handkerchiefs fell from her; this one was that which I ſaw fall from her, and theſe were two parcels that fell from her, but I did not ſee them, theſe two parcels lay on the ſtep.

Were they done up in one paper, or were they ſeparate pieces of handkerchiefs?——There were three ſeparate quantities, I know this in my right hand, and by the mark C. M. I cannot ſpeak poſitively to that mark; that one that dropt from her, was the one I had in my hand; the value of it is 5s. 10d. the value of the other that is not marked, is 5s. 6d. I took her up ſtairs, and aſked her if ſhe had any thing more, but ſhe had not.

There is nothing particular in theſe handkerchiefs, are not they ſold in other ſhops in London?——Yes.

Do you know whether that man ſold her any ſuch?——No.

Priſoner. That piece of handkerchiefs is not the piece, that he ſhewed to the Juſtice, that he told the Juſtice he took from me.

Witneſs. I put a private mark upon it at Sir Sampſon's, I did not keep it ſeparate, becauſe there was only that one mark, and I knew the mark.

JOSEPH SYMONDS *ſworn.*

I am ſervant to Mr. Capps, the priſoner came in, and deſired to ſee ſome handkerchiefs, he laid ſome handkerchiefs down upon the counter, and deſired me to ſerve them; ſhe aſked for ſome about one or two and twenty-pence, but ſhe ſaid ſhe was not fixed to price, and I ſhewed her ſome handkerchiefs; ſhe made choice of a couple, of different patterns, I think they were red and white, I cut them off, ſhe gave me two and twenty-pence a piece; I aſked her if there was any thing elſe wanting, and ſhe ſaid ſhe wanted ſome flannel; I cut her a quarter of a yard of flannel, ſhe deſired me to wrap them up, and I deſired her to go to my maſter for change, ſhe ſeemed in a very great hurry to get the change; and as ſhe was going out, I ſaw her holding her hands like under her apron, and I thought I miſſed the handkerchiefs, and I went to look, and I miſſed two parcels, and the other witneſs went after her, and I ſaw him bring her in, and I ſaw the handkerchiefs drop by the door, I cannot be ſure how many pieces I ſaw drop.

Did you take them up?——No, I ſaw them, and I marked them afterwards.

The priſoner called two witneſſes to her character.

GUILTY

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. ROSE.

354. BENJAMIN MOORE and JOHN BROWN were indicted for feloniously ſtealing, on the 29th day of January laſt, one deal box, value 1s. two worſted curtains, value 2s. one worſted head-piece, value 1s. and three vallances, value 1d. the property of Peter Shellander.

JOHN ORANGE *ſworn.*

I was going to a fire, which had broke out at Sir William Warren's Square, in Wapping, and going down the lane, I met the two priſoners with theſe things.

(The things depoſed to.)

PRISONER BROWN's DEFENCE.

I found this box in the ſtreet, and I deſired this lad to aſſiſt me, I am a Ruſſian.

BENJAMIN MOORE, NOT GUILTY.

JOHN BROWN, GUILTY.

Tranſported for ſeven years.

Court to Brown. If you can get any means of returning to your own country, and any ſecurity that you will return, I will apply to his Majeſty for a pardon on thoſe terms.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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355. ANN AGUS was indicted for feloniouſly ſtealing, on the 15th day of January laſt, two linen ſhirts, value 2s. one linen ſhift, value 18d. two check aprons, value 2s. and one linen table cloth, value 4d. the property of John Kinſlow.

JOHN KINSLOW *ſworn.*

I met the priſoner coming out of my houſe, with ſome things, about five in the afternoon, I did not know her before; I left the door open, there are ſeveral lodgers beſides myſelf; I followed her, and ſaw her going down Hedge Lane, I came up to her, I ſaid nothing to her, but I let her walk on before me, her apron was covered over with her cloak, I aſked her what ſhe had, ſhe ſaid nothing belonging to me; ſhe ſaid ſhe would make a great noiſe, if I would not let her go, and ſhe tried to throw the things out of her apron, and I caught them before they came to the ground, all but a ſhift, the things are mine.

Priſoner. I know nothing of it.

GUILTY.

Fined 6d. and impriſoned ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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356. ELIZABETH wife of WILLIAM JOHNSON was indicted for feloniouſly ſtealing, on the 10th day of February, two linen ſhirts, value 4s. and one cotton gown, value 10s. the property of Mary Plunket, widow.

GUILTY.

Fined 6d. and impriſoned three months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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357. CHRISTOPHER WORLAND was indicted for feloniouſly ſtealing, on the 1ſt day of February, one iron hammer with a wooden handle, value 12d. one iron rake with a wooden handle, value 12d. and one iron ſpike bit, with a wooden handle, value 2d. the property of the Governor and Company of the New River, brought from Chadwell and Hanwell to London; and one iron ſaw, with a wooden handle, value 2d. the property of William Stevenſon.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

358. THOMAS

358. THOMAS WEBB was indicted for feloniously ſtealing, on the 17th of February, one cotton gown, value 3s. one table cloth, value 1s. and one ſilk handkerchief, value 1s. the property of John Harriſon.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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359. ELIZABETH LEE was indicted for feloniouſly ſtealing, on the 4th of January laſt, thirty gallons of wine, called red port, value 10l. twelve gallons of other wine, called Malmſey Madeira, value 12l. three gallons of white port, value 20s. three gallons of Malmſey Madeira, value 40s. three gallons of claret, value 40s. three gallons of raiſin wine, value 6s. three gallons of orange wine, value 6s. three gallons of brandy, value 36s. three gallons of rum, value 36s. three gallons of geneva, value 20s. one gallon of arrack, value 16s. four hundred and twenty-four glaſs bottles, value 3l. 10s. one hundred weight of tallow candles, value 50s. two linen ſtocks, value 4s. two pair of ſtockings, value 5s. one gold ring, with garnets ſet therein, value 10s. and two crown pieces, value 10s. the property of Thomas King, Eſq.

THOMAS KING, Eſq; *ſworn.*

I live at Cutlers Hall, in the city of London, I have a houſe in the country, the priſoner was my cook, I believe ſhe lived with me about ten months, my family were in the country almoſt all the time, my houſe was painting in town, therefore I generally ſlept in the country; but one night that I ſlept in town, a few days before Chriſtmas, and about three in the morning, an attempt was made at my chamber door, I called out to the priſoner at the bar, not knowing at that time, that I had any other perſon in the houſe, but the priſoner, the other maid ſervant, and a boy; no anſwer was given, but a ſecond attempt was made upon my door in about ten minutes, but the drop bolt was down, and therefore they could not come in; Mrs. King came to town a day or two after, I told her the caſe, and deſired her to ſend a nurſe, which we have in the family, to ſleep in town during the holidays; I went out of town the day before Chriſtmas day, and returned after the holidays, when I came to town again, the priſoner not being in the way, to fetch my clothes as uſual to dreſs, I went up to fetch my clothes, and I found ſuits of clothes that I had not worn above two or three times, very dirty, and ſummer waiſtcoats that were laid by clean, I found very dirty; I know they had been laid by; when I came down ſtairs, I ſpoke to the ſervant boy William Griffiths, who had lived with me four years, and told him that ſome perſon or other had worn my clothes; the boy gave me ſome information about this robbery, that two men had ſlept in my houſe almoſt every Saturday and Sunday night, from the time the houſe was painting, and that one of them wore my clothes of a Sunday, and that the name of one was George Bacon.

What time was the houſe painted?—The latter end of May; that the other of the name of Brand, ſlept there very often. I examined the priſoner, and the other maid, and the ſervant boy altogether; I examined the boy in the preſence of the priſoner and the other ſervant, the priſoner denied in the preſence of the boy, that ſhe ever had been down in my cellar, ſhe denied the whole of it, the other ſervant who is the accomplice, ſhe denied it; when William Griffiths the boy had informed me of the ſtealing my wine, and taking my clothes, the priſoner then confeſſed; I found bottles hid in the copper hole and about the kitchen.

Had you before this examination held out any offer of any ſort or kind to her?—No, neither then, nor at any time ſince; ſhe ſaid ſhe had taken none of my wine, only Mrs. King's, ſhe had been at her cellar, as ſhe had left the key in her door, I then ſent for a conſtable, but I did not ſearch her

boxes, I believe it was three or four hours after, when the conſtable came and ſearched, but I was preſent, and we found a few bottles of Liſbon; in her room I found few piſtol balls, there were found in the drawers two pounds of beef ſtakes, and ſome veal, and a lump of butter, concealed in a gown.

When you examined your cellar, what quantity of wine did you find you had loſt?—Upon looking into the cellar, I found I had loſt a great quantity of wine; I ſent for this Bacon, who was told the family were out of town; and when he came, the priſoner was preſent part of the time, in the preſence of the priſoner, George Bacon acknowledged coming there of a Saturday and Sunday, from the time the houſe was painted, to the Saturday preceding; that they had drank large quantities of wine ſometimes, he ſaid, there were three bottles and a decanter on the table, and ſometimes more, according to the company they had; upon this examination, not knowing that I had loſt any thing but a few dozens of wine, I diſcharged her that night.

What quantity of wine had you loſt?—I cannot tell exactly, I believe I can ſwear to twenty dozen, and if I was to double that number, I ſhould not exceed the truth, they have acknowledged to twenty dozen; I kept the other ſervant in the houſe, thinking I ſhould get ſomething from her the next day; on the day before the Twelfth day, between the time of her being diſcharged, I loſt a gold ring, and the things mentioned in the indictment; they were found at the father's of the priſoner, in Flying Horſe-yard, Hackney; I never ſearched till three or four days, or five or ſix days.

Can you identify theſe candles at all?—It is impoſſible.

Whoſe houſe is this at hackney?—The father of the priſoners, I ſuppoſe there were about fifty pounds weight of candles hid in a cellar, they were office candles, and of different ſorts, they were in a box, in a little place adjoining to the houſe, with bricks over them, I found the garnet ring mentioned in the indictment; I was preſent I examined it, but I cannot ſwear to it, only they acknowledged it, and I believe it to be my property. I found this glove, that I cannot ſwear to, I believe it is mine, it was a ſilk glove, in a cloſet; and in a box up ſtairs I found about twenty or thirty pounds weight of the ſame kind of candles hid in a cloſet; I went up ſtairs with the officer, and in the cloſet, I found ſeveral bottles with my mark upon them with wine; the only thing I can ſwear to.

(The bottles produced.)

Is that your mark?——No, it was in my cellar, it was a preſent, and I can ſwear to this bottle, it has the mark of Mrs. King.

What liquors are there?——There is Hollands gin, and Malmſey Madeira.

Mr. Garrow, Priſoner's Council. Firſt as to this little bottle, what is the mark?—The mark, is Smith, Leadenhall-ſtreet, No. 91, that is the mark on the ſeal; that very pint, ſhe acknowledged in my preſence before the Magiſtrate, ſhe took out of my cellar, and this pint was taken out of her father's houſe.

Did you ever hear from the priſoner that that was her father's houſe?——No.

Then you only know it from the information of others?——No.

Do you know what liquor this is?—No, I can ſwear to the cork.

Did you ever make her any promiſes or threats, before ſhe went before the Magiſtrate?——Never, I promiſed the other ſervant after this was diſcharged.

JOHN IMPEY *ſworn.*

In conſequence of an information that Mr. King received from the boy, we ſearched the houſe, at Cutler's-hall, that was the 5th of January; I believe we found ſome wine in the maid's kitchen in one of the cupboards; in the evening we took up George Bacon, and when we came to Cutlers-hall, we had the maids preſent, and he then confeſſed in the preſence of the maids; I examined the two maids where they had the wine from, and Sarah Pickford ſaid, that ſhe did not medle with it;

Mr.

Mr. King ſaid, it muſt have come out of his cellar, the priſoner ſaid, it did not, for that ſhe had taken the wine from her miſtreſs's cellar, that her miſtreſs had left the key either in the parlour or up ſtairs in her room, I forget which; then ſhe confeſſed afterwards to me, that ſhe had taken out of Mr. King's bureau, whilſt he was having his hair dreſſed, the key of his cellar; and that ſhe had at different times, taken wine out of that cellar, and I think ſhe ſaid, ſome brandy or rum, but I cannot tell which; when we came before the ſitting Alderman, he was aſked with reſpect to the pint of wine that was produced juſt now.

Mr. Garrow. Was this examination taken in writing?——It was not, Sir, ſhe acknowledged that ſhe had taken the pint of wine now produced, out of her miſtreſs's cellar.

The priſoner made no defence, and called no witneſſes.

GUILTY.

Tranſported for ſeven years.

Jury. Is the other ſervant in the ſervice of the proſecutor now?—No, they have been both in the country ever ſince.

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360. JOSEPH PARTRIDGE was indicted for feloniouſly ſtealing, on the 15th day of January laſt, two pair of ſilk ſtockings, value 10s. the property of Walter Engliſh.

WALTER ENGLISH *ſworn.*

I am a hoſier, in the Strand, the corner of Catherine-ſtreet; on the 15th of January laſt, in the morning, I was in my parlour reading the newſpaper, about ten in the morning, my two ſons were in the ſhop, and no ſervant there; one of them came running in to call me, and I ſtept into the ſhop, and in the further end of the ſhop, I was aſtoniſhed when I found this young man the priſoner, where nobody ſhould have been; where ſome ſilk ſtockings were laying, he had come in as a purchaſer, it was in the middle part of the ſhop, on the out-ſide of the counter; he told me he wanted a ſilk waiſtcoat piece, which he pointed to, I ſaw by his confuſion that ſomething was not right; he had a great coat buttoned, and I ſaw him drop, from under his coat, theſe ſtockings, the ſhopman came in and took them up.

(Depoſed to.)

James Grant the ſhopman confirmed the above account.

PRISONER's DEFENCE.

I went into this ſhop to buy a waiſtcoat, and there were two children at play, and they told me to go forwards, which I did, and I was going towards Mr. Engliſh, and in returning, I ſtept my foot on two pair of ſtockings and inſtantly Mr. Engliſh accuſed me of taking them.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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361. MARY SKIDDLE was indicted for feloniouſly ſtealing, on the 10th day of February laſt, one linen ſheet, value 4s. 10d. the property of William James.

The conſtable took the ſheet from under her ſtays.

GUILTY.

To be fined 1s. *and impriſoned fourteen days in Newgate.*

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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362. SARAH SPARKES was indicted for feloniouſly ſtealing, on the 14th day of February, one cloth coat, value 3s. one cloth

cloth waiſtcoat, value 2s. the property of Daniel Williams.

The priſoner was taken with the things upon her.

GUILTY.

To be privately whipped, and confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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363. RACHAEL HUGHES was indicted for feloniouſly ſtealing, on the 3d day of February, one flannel petticoat, value 1s. two towels, value 6d. one child's linen cloth, value 3d. one flannel petticoat, value 6d. two linen ſhirts, value 1s. one child's cap, value 2d. one pair of ſtockings, value 6d. one trunk, value 3d. one pair of metal buckles, value 1d. the property of Iſaac Hyam.

ISAAC HYAM *ſworn.*

I am a merchant, No. 6, Swan-yard, I deal in all ſorts; on the 8th of February, I loſt a great many things, and I found ſome of my property on my ſervant maid, and before the conſtable ſhe owned every thing; my child's ſhirts were found round her waiſt, the towels were ſewed under her petticoat; I was going to diſcharge her, I told her I ſhould take her up.

Priſoner. He never paid me any wages.

Proſecutor. When I took her up, I gave her twelve ſhillings before the conſtable, her wages were thirty ſhillings.

EDWARD HOLLS *ſworn.*

I am the conſtable, ſome of the things I produce were found on the priſoner, I have had them ever ſince: Mr. Hyams aſked her to acknowledge the things he had loſt, and ſaid, if ſhe would, he would not proſecute her, and would give her a reward; the other things were found in her box.

Priſoner. I bought the petticoat before I came to his ſervice, and alſo the ſhift I had before, which is made out of ſome pieces of old cloth, and the ſtockings are my huſband's, there is his name on it, the letter H. and a figure of 4.

The Priſoner called Mr. W. Willoughby junior, of Higbbury Aſſembly Houſe, and three other witneſſes who gave her a good character.

GUILTY. 10d

To be confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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364. JAMES MACDONALD was indicted for feloniouſly ſtealing, on the 24th of January laſt, two pewter pots, value 18d. the property of Samuel Coals.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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365. LUKE ROGERS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Abſolom, about the hour of ſeven in the night, on the 19th day of January laſt, and burglariouſly ſtealing therein, two ſarcenet hats, value 10s. and one black mode mask, value 3s. 6d. his property.

JOHN ABSOLOM *ſworn.*

I live at No. 8, James-ſtreet, Covent-Garden; I was out of town when the robbery was committed, and can only ſwear to the property.

JANE HUNT *ſworn.*

I am ſhopwoman to Mr. Abſolom, on the 19th of January laſt, about ſeven in the evening, I was ſitting to work in his back parlour, and heard his ſhop door open, I ſaw the priſoner come in and thruſt his hand through a pane of glaſs in the ſhew-glaſs,

glaſs, it was dark: the ſhew glaſs is between the counter and the door; the door was on the latch, I ſaw through the glaſs of the parlour door; the ſhop door ſticks in wet weather, it is difficult to get it open; the glaſs caſe was hung next the door; he put his hand through the glaſs, and took a white ſarſnet hat, a pink ditto, and a black mode muff, the property of the proſecutor; ſome perſons ran out of the door, and called out, ſtop thief! I loſt ſight of him for five minutes, till he was brought back; he was about a minute in the ſhop at firſt.

Court. Are you ſure he is the perſon that was in the ſhop?——I did not ſee his face, but I ſaw part of his back and his arm, I ſaw his clothes were dark blue, he took the things with him out of the houſe; when he was brought back, I ſaw the things taken from under his arm.

Priſoner. What time before this happened, had any cuſtomers been in the ſhop?—I really cannot tell, there had been ſeveral that afternoon, it might be more than half an hour.

Did you or the proſecutor's ſiſter ſerve in the ſhop?—The proſecutor's ſiſter in general ſerves, but I cannot tell which ſerved then.

Court. How do you know the latch was faſt?——I am ſure I heard the latch go.

(The things produced and depoſed to.)

THOMAS BURTON *ſworn.*

I am a ſawyer, on the 19th of January laſt, between ſix and ſeven, coming from my work paſt the proſecutor's houſe, I heard the glaſs break, I ſaid to my mate, did you hear that glaſs break, he ſaid, no; I had hardly ſaid the words, when out came the priſoner, he took into Covent Garden Market, he was dreſſed in a bluiſh coat, and a light ſhag waiſtcoat; he ran as hard as he could, I ſaid to my mate, let us follow him, we purſued him immediately, we never loſt ſight of him, we took him in the market, I aſked him what buſineſs he had in the ſhop, he ſaid, he knew the people in the ſhop; I did not ſee what he had under his arm till he was taken back to the ſhop; then I ſaw he had two hats, a large one, and a ſmall one, and a black muff.

JOHN HILL *ſworn.*

Was with the laſt witneſs, and confirmed his account; is ſure as to the priſoner.

Thomas Carpmeal took him into cuſtody, and took poſſeſſion of the things.

Priſoner. The witneſs *cannot* be certain as to the latch of the door, therefore, I hope the Gentlemen of the Jury will conſider that circumſtance, as my life is in danger.

GUILTY

Of ſtealing, but not of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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366. CHARLES PEYTON was indicted for feloniouſly returning from tranſportation, and being found at large on the 8th day of February, without any lawful cauſe, before the expiration of his term.

WILLIAM HERNE *ſworn.*

I know the priſoner, I took him on ſuſpicion of being a thief, on the 9th of this month, I found the priſoner in my maſter, Captain Powney's room, he was ſhut in; and on ſearching him, I found a knife belonging to my maſter, and I miſſed my hat; we took him to the watch-houſe.

DANIEL BUSHNELL *ſworn.*

I know the priſoner, his name is Charles Peyton; I am gaoler of Reading, he was my priſoner, I ſaw him condemned laſt March aſſizes, I brought him to London, and he was taken to Woolwich, in order to be tranſported.

(A certificate from the Clerk of the Aſſize of the Priſoner's conviction read by Thomas Shelton, Eſq; Clerk of the Arraigns.)

ROBERT HUTCHINS *ſworn.*

I am conſtable of the pariſh of St.

James's, Weſtminſter, I took the priſoner before Sir Sampſon Wright.

PRISONER's DEFENCE.

I have only to ſay, I had very hard uſage on board the hulk; but I did not mean to remain in England, I had been at ſea ſeven years.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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367. JAMES LAPIER, otherwiſe CHURCH (aged thirteen) and JOHN FARMER (aged twelve) were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William James, about the hour of ſeven in the night, on the 22d day of January laſt, and burglariouſly ſtealing therein, one cloth coat, value 5s. one linen waiſtcoat, value 2s. three linen handkerchiefs, value 3s. one linen apron, value 1s. one pair of calimanco breeches, value 3s. two pieces of cloth, value 10s. two ſhirts, value 5s. one pair of ſheets, value 5s. three table cloths, value 6s. two handkerchiefs, value 2s. three caps, value 3s. three linen ſtocks, value 3s. two pieces of linen cloth, value 10s. and one flannel petticoat, value 1s. the property of the ſaid William James.

WILLIAM JAMES *ſworn.*

I live in Shoreditch, I am a plumber and glazier, my houſe was broke open on the 22d day of January, about ſeven in the evening, I was out; when I returned at half paſt ſeven, they were all buſy with the alarm, and the things were miſſed that are here; I never ſaw the two priſoners before I ſaw them at the office.

SARAH JAMES *ſworn.*

On the 22d of January laſt, a ſquare of glaſs was cut out of my window, and ſomebody had by that means taken out a pin, it was broke, and joined, and covered with putty, the window belonged to the bottom floor, I went to light a candle at the next neighbour's, I double locked the door, and put the key in my pocket, I was not gone more than fifteen minues, the youngeſt priſoner Lapier, was taken up in about a quarter of an hour, the other was taken on the Tueſday: ſome of my things were found in Bethnal-green; I never ſaw theſe two boys, the priſoners, till I ſaw them at the office.

WALTER WHITER *ſworn.*

On the 22d of January, coming out of my houſe, which is about a hundred and fifty yards from the proſecutor's; I ſaw two boys with two bundles, and I ſaid, theſe bundles do not belong to you, they made no anſwer but went on; I ſaid, you have ſtole thoſe things, one of them dropped the bundle at my feet, and ran away, I purſued him twenty yards, and cried ſtop thief, Mr. Cox, a neighbour, purſued the ſecond boy, Lapier, and brought him to my houſe; I had the other in my eye, I never ſaw Lapier before; in a quarter of an hour the proſecutor's wife came to my houſe, I untied one of the bundles, and ſhe owned the things, the priſoner was taken into cuſtody; on the Tueſday, at the office the other boy was brought in, I could not ſwear to him.

JOSEPH COX *ſworn.*

I took Lapier, near ſeven o'clock, on the 22d of laſt month, I heard the laſt witneſs cry ſtop thief, he has thrown one of the bundles at my feet, and I took him; I ſaw no other perſon running, and in about a quarter of an hour the proſecutor's wife came and deſcribed the major part of the things before ſhe ſaw them, only an apron which did not belong to her.

HENRY BANFORD *ſworn.*

I am a conſtable of St. Leonard's, Shoreditch, I was ſent for on the 22d of January, at paſt ſeven, to take Lapier and the bundle, Mrs. James ſaw the contents, I have

have had them ever ſince; the other priſoner was taken on the Tueſday following.

(The things produced and depoſed to.)

Court to Mrs. James, Are theſe ſome of the things that were kept in your room?—Yes, they were in the drawers, and ſome on the lines, there were no locks on the drawers.

PRISONER LAPIER's DEFENCE.

I am as innocent as the child unborn.

JAMES LAPIER otherwiſe CHURCH, } GUILTY *Death.*

JOHN FARMER, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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368. MICHAEL JOHNSON otherwiſe M'MAHON was indicted for falſly and feloniouſly uttering as true, on the 15th day of Auguſt laſt, a certain falſe will and teſtament, with a certain mark thereto ſubſcribed, purporting to be the mark of Alexander Black, and to be the laſt will and teſtament of Alexander Black, and to have been ſigned, ſealed, publiſhed and declared by the ſaid Alexander Black, as and for his laſt will and teſtament, well knowing the ſame to be falſe, forged, and counterfeited, with intention to defraud John Smith.

A ſecond count for uttering the ſame with intent to defraud divers perſons.

(Mr. Silveſter opened the Caſe.)

Mr. Peatt, Council for the Priſoner.

THOMAS FLETCHER *ſworn.*

I am clerk in the Prerogative-office, I have a will of Alexander Black's, dated the 3d of March, 1783, the probate is revoked, here is a decree of the Court that revokes it, it was revoked the third ſeſſion of Hillary term, the 7th of February, 1785.

Did you take it from the record yourſelf?—I had it from Mr. Watſon the record keeper.

Mr. Peatt, priſoner's council. I ſubmit Mr. Watſon ought to be here.

Court. Is that book in your immediate poſſeſſion?—Yes.

Is that the original decree?—Yes.

Who wrote it into that book?—The regiſter.

JOHN TORRIANO *ſworn.*

I am a proctor, the jurata is of my hand writing; it was ſworn before Dr. Ducarell.

Is that Dr. Ducarell's hand writing?—Yes, I have freqently ſeen him write.

Who applied to you to take out probate?—I was applied to by the executor of the will, his name is Michael Johnſon.

Do you know that man?—No, I cannot ſay I do, the application was made in Auguſt laſt.

Mr. Peatt. A perſon applied to you by that name, if I underſtand you right?—Yes, Sir.

WILLIAM WITHEY *ſworn.*

I am an attorney, one James Lacy left an adminiſtration with me, purporting to be the adminiſtration of one Alexander Black, a ſeaman of the Barwell Eaſt Indiaman, I ſent it to the India Houſe, and the anſwer was, that there were between twenty and thirty pounds due. Johnſon the priſoner came to me, and ſaid he came to execute a power of attorney; I think he ſaid he was executor; however, he came to me for that purpoſe, and I filled up a power of attorney. It occurred to me I had ſeen his name before, and I ſaid to him, Johnſon, I think I have ſeen your name as executor to another will; how came you by theſe wills? and he ſaid, I kept a publick houſe at Goſport, and was a waterman, and the ſeamen uſed to come to my houſe and get into debt, and left me their wills and powers. I thought this ſo reaſonable I filled up the will and power, and he ſigned it in my preſence, he ſigned his name William Johnſon; I am ſure the written part was read over to him, but I do not know that the printed part was. I went to the India-

Houſe

House to Mr. Burgeſs, and in coming back within the courſe of a very few minutes, Johnſon came to my houſe, I then told him there was ſome ſuſpicion that the will was not a fair one, and I took him backwards and then aſked him the queſtion again, how he came by the will? he repeated nearly the ſame words as before; I ſaid he muſt go with me to the India Houſe, he ſaid he was very willing, and in conſequence of that he went with me; the ſolicitor for the India Company came into the office and examined him as to the execution of the will and the witneſſes; he ſaid the will was executed at his houſe at Goſport, that the man had got into his debt and had given it to him, and I think he ſaid the witneſſes were watermen, I believe he ſaid one of them plied the ferry; the reſult was, there was nothing at that time that induced Mr. Sill to make any further charge, and the man was let go; I am ſure that was the man.

Mr. Peatt. You read the written part of that inſtrument to him?—Yes.

Did the priſoner read the printed part?—No, I believe he did not, I am ſure he did not, by the time.

He went very quietly with you all the way?—Not all the way; he went away from the houſe with me very ready.

Do you know the man from any thing but his general appearance?—I am ſure I am not miſtaken, I rather think I ſaw him once before; I ſaw him ſeveral times ſince.

Court. You ſay James Lacy left adminiſtration; what do you mean?——I ſhould have ſaid a probate, I believe this to be the probate, but I cannot poſitively ſwear to it.

Court. Why do you believe it?—From the indorſement, and from the probate itſelf.

Do you know whoſe hand that is upon the indorſement?—No, I do not; I ſent my clerk with the probate to the India Houſe; there is no diſtinguiſhing mark by which I can ſwear to it with certainty.

THOMAS SCAM *ſworn.*

I made a tender of the probate at the India Houſe, I left it in the care of Mr. Burgeſs.

YNYR BURGES *ſworn.*

I am pay-maſter at the India Houſe, this is the probate with the will annexed that was brought to me by Thomas Scam on the firſt of October, I put my initials on the back of the ſeal; Scam produced a power of attorney with the name of William Johnſon to me; I had ſome doubt about paying the money to Mr. Scam, and I deſired him to go and tell his maſter I would be glad to ſpeak to him; Mr. Withey came himſelf a ſhort time after, but I did not ſee the priſoner till he was examined before the Juſtice, and the queſtion that was put to him, how Black came to make his mark to the will; and he ſaid the will was executed at Portſmouth, I think at the New Dublin; and he ſaid Black had been in a quarrel ſome few days before and cut his thumb; and therefore he had made his mark; I had not ſeen, as I know of, the priſoner before that time; he ſaid that he lodged at that time at the ſign of the Princeſs Royal.

Mr. Peatt. Did Johnſon ſay any thing to you at the time about hurting his thumb?—He ſaid, that a few days before the executing that will, he cut his thumb.

I preſume you always put your initials in the ſame manner?——It has not been in my poſſeſſion ever ſince, but I have not the leaſt doubt of it; it was in my poſſeſſion till I parted with it to Mr. Chetham.

Court to Mr. Torriano. Did any body come with the perſon that came for that probate?——I cannot recollect, it is half a year ago.

(The power of attorney read.)

Mr. Peatt. I would not encroach upon the time of the Court; but I think it my duty, in a caſe of life, to ſubmit every objection that may occur in favour of the priſoner. My Lord, I doubt whether the entry in that book can be received in evidence

as an authentic record of the court: it may be a copy, but in all events the regiſter ought to be here. He is the proper officer to prove his own act; and might have been here with as little inconvenience as the gentleman who produces it. Will your Lordſhip permit the regiſter's hand writing to be proved, when he himſelf might have been here? as to the will nothing can be more clear than this; it ought to be produced by the proper officer, whoſe province it is to take charge of ſuch inſtruments; and to exhibit them when legally called for. Your Lordſhip knows, that in all caſes of this kind, the beſt teſtimony ſhould be given which the nature of the thing is capable of. The proper officer might have been here as well as the parties that are. I ſubmit it is not the beſt evidence that might be given to this Court; and therefore it ought to be rejected.

Mr. Silveſter. I ſubmit it is written upon the will itſelf; it would be very inconvenient if the officers themſelves were to be obliged to attend.

Mr. Peatt. My objections are theſe? the officer in whoſe cuſtody the will was, might have been here with as much eaſe as the gentleman who produces it, and the decree ought certainly to be proved by the regiſter.

Court. As to the book, there is not a colour of objection to it, becauſe that is a record of the Court, and is proved as the original record of the Court, it is the beſt evidence; with reſpect to the other objection, if there was no evidence to authenticate that to be the preciſe inſtrument which Johnſon brought, it would give weight to your objection.

(The will read and the decree of the Court read.)

JOHN BUTLER *ſworn.*

I am chief clerk in the pay office in the India Houſe; on the 2d of October, I believe Mr. Withey brought the priſoner to the pay office, the pay maſter not being in the way, we went down to his houſe, and returned with the priſoner; I ſhewed the priſoner the letter of attorney, and aſked him if he was the executor, and if that was his hand writing.

Did you ſhew him the letter of attorney and the adminiſtration?——I did not ſhew him the adminiſtration, only the power of attorney; I then aſked him how long he had known the deceaſed, he ſaid about ſix years; then I aſked him if he had heard the deceaſed ſay, he had any family or relations; he ſaid, no; I then aſked him the age of the deceaſed; he ſaid 26; he ſaid the deceaſed was indebted to him about ten pounds; I aſked him where the will was made; he ſaid, at the Princeſs Royal at Goſport, which houſe he, the priſoner, kept; I then aſked him who the witneſſes were, and he told me they lived at Goſport; they were watermen; I ſent down to Portſmouth that night, but no ſuch perſons could be found; he ſaid the deceaſed had hurt his thumb, and that was the reaſon of his making his mark to the will.

JOHN GRAVER *ſworn.*

I am boatſwain's mate on board the Barwell, I knew the deceaſed very well; his name was Alexander Black, he came on board at Deptford; I cannot juſtly ſay when it was; I think it was in the month of November 1782; we proceeded after that down the river to Portſmouth; on the 11th of March in the year 1783, we ſailed on our voyage from Portſmouth; he made his will before he ſailed, I think it was in the month of December 1782; I filled up his will, and ſubſcribed my name as witneſs to it.

Now look at that? *(The true will ſhewn him)*——Yes, I can ſwear to Alexander Black's hand, and likewiſe my own; I ſaw him ſign and execute it; we ſailed the 11th of March 1783, on our voyage to Bengal; he never was on ſhore while the ſhip remained at Portſmouth; he never met with any accident till he was unfortunately drowned at Calcutta.

What do you call accident?—No hurt or bruiſes, he had not been quarrelling or fighting, he was not ſo given, he had

the uſe of his hand all the time perfectly well, and particularly at Portſmouth, I was his meſſmate there, he kept a journal there; I am poſitive during the time he was at Portſmouth, he never was on ſhore, nor ever hurt his thumb there.

Mr. Pratt. Did you never ſee a man's hand ſprained, without any appearance of hurt?—He never mentioned it.

It was only from his outward appearance then? is it in the power of a man with a hurt in his thumb, to do his duty in many reſpects or not?—Yes.

Mr. Silveſter. What is his real name?——He ſaid his father's name was John Smith, and he changed his name on account of running away from a man of war.

(The real will of Alexander Black read, atteſted by Thomas Graver, in which he makes his father, John Smith, in the pariſh of Cutts, in North Britain, his executor.)

Was any other man of the name of Black on board?—No, not to my knowledge.

JOHN FORTUNE, *ſworn.*

Did you know his father?—Yes, before he went this laſt voyage, I was at his father's with him.

Where did the father live?—Within two miles of Cooper Fife, in Fifeſhire.

Do you know whether it was in the pariſh of Cutts?——I do not know the name of the pariſh, I was born within nine miles of the place myſelf.

Did Black treat him as his father?——Yes, he came home and went down and ſtaid there.

Do you know what his father's Chriſtian name was?——John, I believe it was.

Mr. Pratt. My Lord I ſubmit an objection to the indictment, I underſtand it is charged to be a forgery of the laſt will and teſtament of Alexander Black; your Lordſhip has it in evidence, that this man's real name was Smith, if that is the caſe, and the indictment ſtates it in the manner I have before recited, I ſubmit that is a defect, and that there ought to be a ſtating it to be a forgery of the will of Smith, *by the name of Black*; will your Lordſhip have the goodneſs to let the indictment be read.

(*Part of the indictment read.*)

Court. This man is known by the name of Alexander Black, and the word *purporting* deſcribes what the inſtrument imports to be; there was a queſtion ſome years ago, about the word *purporting*, and the Judges held it, that the word *purporting* deſcribes what the inſtrument imports to be.

PRISONER's DEFENCE.

My Lord, Alexander Black made the will to me in Goſport, and the two witneſſes that were preſent, and ſigned the will at that time, are out of the way at preſent, I thought to have put off my trial till next ſeſſions, as they are not here, I can ſay nothing.

Mr. Pratt. I have ſome witneſſes to his character.

(*The two wills, the probate, and the power of attorney, handed to the Jury.*)

GUILTY, Death.

Tried by the London Jury before Mr. Juſtice BULLER.

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369. JOHN LUCAS, RICHARD SUMMERS otherwiſe SMITH, and JOHN WATERS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Knott, about the hour of three in the night, on the 10th day of January laſt, and burglariouſly ſtealing therein, three hundred yards of ſilk lace, value 30l. three hundred yards of other ſilk lace, value 30l. five hundred yards of thread lace, value 25l. one hundred yards of ſilk mode, value 5l. one hundred yards of ſilk ribbon, value 5l. forty-eight pair of ſtockings, value 9l. and ſixty pair of leather gloves, value 3l. his property:

And

And ANN GREEN, and ANN SILCOCK were indicted for that they, well knowing the ſaid John Lucas, and Richard Summers, otherwiſe Smith, had done and committed the ſaid robbery, afterwards with force and arms, feloniouſly did receive, harbour, comfort, and maintain the ſaid John Lucas, and Richard Summers, otherwiſe Smith, well knowing them to have done and committed the ſaid robbery.

DAVID WILLIAMS *ſworn.*

I am ſhopman to Mr. Knott, I ſecured the doors and windows of his houſe before I went to bed, I am ſure they were all faſt, when I got up in the morning, I came into the kitchen, which is upon the one pair of ſtairs, and I found the window wide open; I went into the ſhop, and I found one of the ſhutters was taken down; the doors into the yard were open, I had ſeen them faſt the night before, and the lace boxes were all on the counter, and emptied, and the modes were ſtripped from the ſhelves, and I found theſe two iron crows, and a ſmall gimblet; I cannot aſcertain the value of the property, they were worth ſix or ſeven hundred pounds; there was a boy and a maid in the houſe beſides me.

ELIZABETH HOWELL *ſworn.*

I was ſervant to Mr. Knott, I remember faſtening the kitchen windows, at three in the morning, for I ſat up for a gentleman.

MOSES EMANUEL *ſworn.*

I know the priſoners, Lucas and Waters, I ſaw them laſt Tueſday morning was ſix weeks; between the 10th and the 11th, I went from my houſe between eight and nine in the morning, I went paſt the houſe of Mr. Lucas, his wife was ſtanding at the door, ſhe ſaid Emanuel you muſt ſtay here, I aſked her for what, ſhe ſaid for a quantity of lace and ribbon, I went in, nobody was there but two women and two men, I aſked her to look at the goods, ſhe could not find the key, ſhe ſaid they have taken all the goods along with them, I aſked what was become of her huſband, ſhe ſaid he was gone to one Mr. Levy, with gauze, and ſtockings, and gloves, and mode; the priſoner Waters came afterwards, with Mr. Levy to Lucas's houſe; Mr. Waters aſked what buſineſs I had there, he ſaid here is nothing for you; I ſaid I ſhall not go, I ſhall ſee what goes forwards, then Mr. Waters ſaid you may have the goods if you will; and Mr. Waters begged me to go about my buſineſs, and I went away: Mr. and Mrs. Levy brought the goods to my houſe to be meaſured, and I took an account of them, there was five hundred and ſixty-eight yards of white lace, and three hundred and ſixty-three of black; they were brought to my houſe about an hour afterwards, the ſame day.

Court. Had you any part of thoſe goods for yourſelf?——No, Mr. Levy promiſed I ſhould have half the profit, but I gave no money.

SARAH EMANUEL *ſworn.*

I went in January laſt, by my huſband's directions, to Moſes Levy's houſe, he was at the ale-houſe; I went to Soho with Mr. Waters, with three bundles; at that time there was Moſes Levy, his wife, Mr. Waters, Mr. Lucas, and Dick, he went by the name of Dick; they had a quantity of ribbon in a pillow caſe, in Mr. Levy's houſe; there was a bundle with lace tied up on the round tea table, when the lace was untied, Waters aſked me if I would look at it, I did, I told Mr. Levy, as the goods is in your houſe, I will give the preference: when I had looked at them, Mr. Levy aſked Waters, what do you aſk a yard, ſays he, I will have three ſhillings and ſix-pence a yard; ſays Levy, it will not do at any ſuch price.

Jury. What is the value of them?—— I do not know, I cannot judge of the value of them; Levy ſaid he would not give above 1s. a yard; Summers, and Waters, and one Oſborne ſaid, we will not take any ſuch money; then they tied up the lace, and opened the pillow caſe with the ribbon, in order to bargain for the ribbon; when it was opened, it was laid on the table; when it

it was there, they aſked three ſhillings and ſix-pence per dozen.

How many?—Lucas, Waters, and Dick, Levy ſaid I cannot give ſuch a price; ſays Waters, let him have them for two ſhillings and three-pence, then they were meaſured, Levy meaſured them by his drawers, and Levy paid ſix pounds nineteen ſhillings for the ribbon, he laid it on the table, and Waters took it up.

Court. Did he keep the money?—Yes, he kept it all, Waters went to the door, and ſaid there ſhall be no *nabbing works* going forwards here, for fear of giving information to Sir Sampſon; then they ſaid take the whole, and Waters aſked fifty guineas for the whole lump of lace; Moſes Levy ſaid I will give you thirty guineas, Oſborne ſaid, it ſhall never go for that, if you will not give forty guineas, you ſhall never have it; Lucas took it from the table and went to the ſtair-caſe with it, Waters ſaid you ſhall have it for forty guineas, it was all agreed upon, and you ſhall have it; Levy pulled out thirty-nine guineas, and his wife gave him one guinea; Waters took the money up, he ſaid it came from near Covent Garden.

Mr. Garrow, Priſoner's Council. What are you?—A clothes dealer, I buy things in the ſtreets.

What are the Levy's?——I cannot tell, we are not intimate.

Court. How ſoon were the priſoners taken up after this?—About a day.

Mr. Garrow. At the ſecond examination, did you ſay any thing of this tranſaction?—Yes.

At the ſecond examination?—I cannot tell whether it was the ſecond or the third.

Were not you and your huſband to have half the profit?——Yes, but after we knew how the lace was got, I did not wiſh to have half the profit.

Court. Did not Mrs. Levy bilk you?—I do not underſtand that.

Mr. Garrow. Did not ſhe give you *the bag*?—I do not underſtand you.

You ſaid you were to have half the profits?——Yes.

Did not you or your huſband ſtipulate, that you ſhould have half the profits?——Yes, after they were bought.

Then after you knew that they were ſtolen goods, you agreed to take half profits?——Yes.

What was the value of the laces?—I do not know.

I aſk you whether you do not know that an hundred guineas was conſiderably ſhort of the value of them?—No, I do not know any thing of the value.

Mr. Keys, another of Priſoners Counſel. What did you ſwear before Sir Sampſon?—I ſaid what I ſay now.

Was not all you ſaid reſpecting Waters, that he received the forty guineas?—Yes.

But did not you ſay that you did not know for what?——I do not know that I did, or did not, I cannot ſwear.

MOSES LEVY *ſworn.*

On the 11th of January, in the morning, between eight and nine, the three priſoners at the bar, and another with them, called on me, they aſked me if I would buy ſome lace and ribbon, I ſaid yes, and Waters was to go with my wife to bring them; they ſaid if my wife would go to fetch them; ſhe went with him, and came back about eleven, and they brought a quantity of lace and ribbons, and the gentleman aſked me to buy them; the man that ſpoke moſt, is he that is not taken; one of them ſaid to another, you will go with Mrs. Levy, the key lays in ſuch a place, and you can get it.

Court. Did Summers ſay any thing?—I do not know that he ſpoke much; I bought the ribbons of them, they contained ſixty dozen and ſome odd yards, at I believe much about two ſhillings and three-pence a dozen.

Court. Who agreed with you?—Sometimes one, ſometimes the other; Summers aſked two ſhillings a dozen, and I agreed to give two ſhillings a dozen, the other two cried out they would not take two ſhillings, they would have three ſhillings, I ſaid I would give them no more than two and three.

three-pence, and they agreed to take it, and I paid them ſix pounds ſeventeen ſhillings, or ſix pounds nineteen ſhillings, I do not know which; then they opened the laces, and asked me one hundred and fifty guineas for them, I would not bid them any price for them, I ſaid I would give them a ſhilling a yard for them: at laſt they asked me to buy them in the lump, and then came down to fourſcore guineas, and then I bid them forty guineas, and they agreed to take the money.

Mr. Garrow. Where do you live?——In Bedford-ſtreet, Spital-fields.

What are you?——I am a dealer in tobacco, lace, and all things, nothing comes amiſs to me.

I ſuppoſe not; and it is my opinion, that you will deal in manufactured hemp, ſometime or other; when did you tell this to any body;——About a fortnight ago, or thereabouts.

When did you tell it to the Magiſtrate?—About three weeks after I had made the purchaſe.

How came you to go there?——I was advertiſed.

Did you leave Petticoat Lane upon it?—I did not abſcond, but I went into the country, I very often do.

What might be the value of theſe ſixty dozen, and odd yards?——Two ſhillings and three-pence a dozen, was the full value and a ſhilling a yard was more than the value of the lace, that I will ſwear.

What did you do with the things?——I ſold them to a man I owed ſome money to, a Mr. Wilſon, who lives near Baldock, he keeps markets and fairs, I ſold him thirty guineas worth of it, I loſt money by them.

JUDITH LEVY *ſworn.*

On the 11th of January laſt, between eight and nine, theſe three men came to our houſe, Lucas, Summers and Waters; I went with Waters, and brought it home, Mr. Emanuel and I looked at it, my huſband paid forty guineas for it.

Was it upon cards?—No, I did not ſee any, there were all ſorts of lace.

Mr. Garrow. Was any body to go partners in this?——Yes, Mr. Emanuel.

By ſome accident, in the hurry of buſineſs, you did not pay him half the profits?——No.

How ſoon did you come to town after this?——In a few days.

Where did you go?——Not a great way, I went to Richmond.

What took you there?——A party of pleaſure.

How ſoon did you know that you was advertiſed for a felony?——About a fortnight.

Was it not to ſave your own neck that that you went out of town?——I did not know I was in danger.

Did you ſay any thing about it to the Magiſtrate till you was advertiſed?—No.

THOMAS CARPMEAL *ſworn.*

I apprehended the priſoner on the 11th of laſt month, I apprehended Summers and Lucas in Hopkins's ſtreet, at Lucas's houſe; three of us went, when we firſt entered the fore parlour, there were two women there, and I obſerved ſomething burning, I took it off and obſerved it was cards, I have ſome of them here, there was a cutlaſs under the bed: in the back parlour there were ſome more cards burning, I have ſome of them; we waited till Lucas and Summers came in.

(The cards produced.)

Court to Proſecutor. Look at theſe cards?——This is the private mark of my ſhop, I look upon it there was lace on it.

Mr. Garrow. Do you know at what time that card was in your ſhop?—I cannot exactly ſay.

Court to Carpmeal. Have you any lace now in your poſſeſſion?——Yes, I received it from Mrs. Emanuel.

Proſecutor. It is mine, it was in my ſhop the night before the robbery, this I know, becauſe I turned away two ſhillings and ſixpence for it.

Mr. Garrow. You cannot tell how lately this card was in your ſhop?—No.

You ſometimes part with the card and lace together?——Yes, here is a ſeal upon this piece, which I put on when I took ſtock; I am ſure it is mine.

Mrs. Emanuel. I had this lace from Judith Levy.

Judith Levy. I had this lace from the bundle of lace belonging to Lucas.

PATRICK MACMANUS *ſworn.*

I apprehended the priſoners, here are three parcels, in one are fourteen guineas, which I found on Waters; here are eleven guineas which I found on Summers, and fourteen guineas which I found on Lucas; here are a cutlaſs, and dark lanthorn, and ſome picklock keys; here is a little bundle that Mr. Mott has ſeen, and a pick-lock key, two other keys and a dark lanthorn on Summers, and in a room up ſtairs theſe were found *(a bundle of keys)* we apprehended Waters about a week after, in a court in White Friars; he was at home, we found nothing but money upon him.

David Williams. I know theſe cards, this is my mark, it was when we took ſtock.

——— NEWTON *ſworn.*

I put this mark upon this card, ſometime between April and September.

The priſoners left their caſe to their Council, and called no witneſſes.

JOHN LUCAS, RICHARD SUMMERS otherwiſe SMITH, JOHN WATERS } GUILTY, Death.

ANN GREEN, ANN SILCOCK. } NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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370. WILLIAM PARROT was indicted for feloniouſly ſtealing, on the 19th day of February, one paper bag, value a farthing, twelve linen bags, value 6d. four pounds weight of onion ſeed, value 16s. half a buſhell of French beans, value 5s. four quarts of raddiſh ſeed, value 1s. and an ounce of balſam ſeed, value 2s. the property of David Lewis.

DAVID LEWIS *ſworn.*

I am a ſeedſman, I live at No. 20, Cornhill, the priſoner was my porter, and had been ſo about four weeks, on the Friday evening, on examining the duſt-bin, I found one parcel was gone, which I had ſeen on the Friday afternoon about four o'clock; it contained near two pounds of onion ſeed, on the Saturday I looked again into the duſt-bin, and found another parcel of onion ſeed, in the place where the other was put, this was not ſo big a parcel as the other, by half a pound or rather more, it was folded up in a paper bag, which bags were not marked with any thing.

Can you ſay whether that was the ſame bag that you ſaw before?—No, I cannot; on Saturday morning between one and two, I ſent the priſoner to the Bull, in Leadenhall-ſtreet, with one parcel, and likewiſe to the Swan, Whitechapel, with another parcel of garden ſeeds; theſe two parcels were delivered very faithfully, and as he was going out of the ſhop, I obſerved his coat and hat very duſty, which made me ſuſpect he had been down at the dirt bin, and taken ſome of theſe things out.

Court. Had he any buſineſs at the duſt-bin, as a porter?——Yes, he was a weekly ſervant, and did every thing in the houſe.

Did he ever ſerve in the ſhop as ſervant? No, he uſed to ſift the ſeeds, and clear them or any thing of the kind, he went out of the door, and I obſerved his pockets were filled, I ſent a ſervant after him, who came back with him, and I ſaw the onion ſeed in his pocket, which I aſſiſted in taking out, and there were ſeveral things brought to me, in the preſence of the priſoner, which were ten bags, the priſoner brought them himſelf; there was ſome onion ſeeds, and ſome French beans, and ſome flower ſeeds.

Did

Did he bring back any raddish ſeed?—I cannot ſay, there was ſatkipurs and balſam ſeed, the priſoner ſaid, they were my property, I had neither offered nor threatned him, nor were any offers or threats made to my knowledge.

Can you ſay the things ſo brought back were yours?——I cannot.

DAVID FIELD *ſworn.*

I am a brazier, and beadle of the ward, I was deſired by Mr. Lewis to go with him to the priſoner's lodgings, and I went and there he produced ſeveral bags, and ſeveral bags, and ſeveral parcels of ſeed.

Had you any converſation with him before you went to his lodgings?—No.

Did you at any time make him any offers of favour or threaten him?——No, I came away with him, he brought ſeveral bags of ſeed, I aſked him whoſe they were, and he told me they were Mr. Lewis's, I cannot ſay how many bags there were.

PRISONER's DEFENCE.

Theſe bags my wife had with peas, to pick the rotten out from the ſound ones, ſhe had ſixpence a buſhel, they were for my maſter, and theſe are the bags the peas were in; the ſeed is my property; till laſt Michaelmas, I was in the kitchen garden myſelf, and kept the market; but of late things run bad, and I was obliged to go to ſervice.

Court to Proſecutor. Did he ever give you this account, he has given now?——No, he had uſed to have peaſe to pick.

Did he ſay the property was his before?——Never before.

Court to Field. Did he ſay to you that the property was his own?——No, he confeſſed it was Mr. Lewis's.

The priſoner called two witneſſes who gave him an exceeding good character.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

371. WILLIAM BULL was indicted for feloniouſly breaking and entering the dwelling houſe of Henry Sampſon, about the hour of eight in the night, on the 12th of February, and burglariouſly ſtealing therein, one bank note for the payment of twenty pounds, the ſaid bank note being of the value of twenty pounds, the property of the ſaid Henry, and the ſaid ſum payable and ſecured therein, then being due and unſatisfied to the ſaid Henry, againſt the ſtatute, and three leather pocket books, value 2s. the property of the ſaid Henry.

(The Caſe opened by Mr. Silveſter.

(The witneſſes examined apart.)

GEORGE SAMPSON *ſworn.*

I live at No. 67, Wapping-wall, my father's name is Henry Sampſon, on Saturday evening, the 12th of February, between ſeven and eight ſome perſon rang at the door, the ſervant Mary Middleton went to the door, and ſhe bringing a meſſage to my father and me, we went to old Mr. Berkley's, but on going we called on his ſon, who is in partnerſhip with his father, we ſaid, we underſtood his father was ill, he ſaid he was not, and we came back again we ſtood at the door about ten minutes, I rang at the door, and the maid came to the door, ſeemingly in a great fright, and ſaid, oh! there are thieves in the houſe, and one of Mr. Dowding's boys is one; I immediately went down ſtairs and got a light, in order to ſearch the houſe, and coming up ſtairs I met ſeveral perſons, who ſaid they had been ſearching the houſe, and could not find any body; we loſt three pocket-books, containing a twenty pound bank-note, and a bill for twenty-four pounds, and other papers; we left Mary Middleton in the houſe, who had been frequently intruſted by us; we went out together.

Court. Who were the people that you ſaw in the houſe, that ſaid they could find no body?——Several people, ſtrangers but the clerk and the porter were with them.

Mr. Garrow, Priſonr's Council. You are

are in partnership with your father?——No.

Is Mr. Berckley in partnership with him?——Yes.

Was this bank-note belonging to the partnership stock?——No, it belonged to my father.

Whose house is this?——It is my father's dwelling-house, but there are warehouses behind, belonging to the partnership.

MARY MIDDLETON *sworn.*

I am servant to the prosecutor.

What happened on the 12th of this month?—A bell rung between seven and eight, I went up, there was nobody in the house but myself, I asked who was there, and somebody said Mr. Berckley was very bad, and my young master and old master must go to him directly, for he wanted to speak to them, they went directly; in about two or three minutes after, somebody else rang at the door, I went up to the door, and a young man asked me for a letter that lay upon my master's desk in the parlour; I went to look for the letter and was returning out of the parlour, and the prisoner met me with a pistol, and says, not a word; they took me and put me into chair, and put a hat over my face, but it did not cover my face, and I saw the prisoner open my master's desk, and he strewed the papers about the floor, and him and another went up stairs and came down again; they came and asked me for the money; I told them I did not know there was a farthing in the house; then says the one that held me, come and hold her, and I will go and find the money; then the prisoner came and held me.

You do not know the other person that held you?——No, and presently the bell rang again, and then they came down stairs, and they all went out and locked me in the parlour; the bell rung again; I believe it was three times, and I opened the shutters of the parlour window and got out; then I went to open the street door and found it bolted top and bottom.

Which way had the persons that left you got out?—I cannot tell.

Are there more ways than one out of your house?—Yes, they might have gone backwards or forwards.

Where does the back way go to?—It goes down into the water; there was no other way for them to go out; I was going to wash myself, and my cap was off; I have no doubt of the prisoner, I am sure it was him, I have seen him frequently go backward and forward to work with Mr. Dowding, which was but a little way off; I told my master directly, and the person who it was.

Mr. Garrow. What fastenings are there to the back door?—A padlock on the inside.

Was you much frightened?——No, I said, do not hurt me, and they said they would not.

Was you or was you not?——I was frightened.

You happened by good luck to be going to wash yourself, and had your cap turned up?——Yes.

Or else you would not have been able to see them?——No.

Had you your apron on?——No, it was in the kitchen.

Had these people any disguise?——Yes, the prisoner had a handkerchief over his lips, which covered his mouth, he had a round hat, not pulled down over his face.

Remarkably cocked up perhaps?—I did not take notice, it was as he wore it usually; he had a sort of a red cross bar handkerchief.

When did they go to fasten the front door?—I did not hear them.

How far is the parlour from the front door?—Not very far, only through the shop.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL, *in the* OLD BAILEY,

On Wednesday the 23d of FEBRUARY, 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS ON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON; AND ALSO Juſtices of Oyer and Terminer, and Gaol Delivery for the County of MIDDLESEX; HELD AT JUSTICE-HALL in the Old-Bailey, UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Ball.

How many came in?—Three other men.

How long were they going up ſtairs and rummaging the houſe?—Not above ten minutes altogether.

Did they force you into the parlour in a hurry?—Yes they did.

What did the priſoner do when he heard the ringing?—He ſtood ſtill and held the hat over my face; he ſaid nothing to me nor to the other man.

How ſoon afterwards did you ſee the priſoner; did you know his name?—When I heard it mentioned I knew it; I heard it among the other people that lived in the family, and for that reaſon I heard his name mentioned; Mr. Dowding married Captain Ball's daughter, and I heard his name before; I mentioned the name before he was taken up.

Did you tell his name to the runners before he was taken up?—The people in the ſhop, when I deſcribed him, told me Bull was his name, then I mentioned the name to the runners.

Did you know his name at the time the robbery was committed?—I had heard it many times, I mentioned his name to Cole.

Who told his name after the robbery was committed?—I deſcribed him, and then they ſaid that the perſon that I deſcribed was Bull; I did not know his name till they told me. He had thick lips and a full face, and his dreſs I deſcribed, a brown wide coat on, a great coat, and dirty leather breeches, very much like a working dreſs.

How long have you been in this family?—Eight or nine months, I came from Yorkſhire, I have been in London about three years.

How many families have you lived in ſince you came to London?—Three.

About twelve months in a place?—Thereabouts: they left the key of the parlour on the outſide in the door.

How high is the parlour window from the yard?—Only a bit of a rail which I caught hold of to get down.

Mr. Silveſter. As you have ſeen the priſoner come backwards and forwards, did you when you deſcribed him, ſay it was Dowding's boy?—Yes.

Mr. Sampſon. When they told me they could find nobody up ſtairs, I immediately ſaid they were gone out backwards, we broke

broke open the ware-house door and found the key on the inside, then we went down to the lower door of the warehouse, and found the lower door next the water-side was standing open; the maid described him as she has done now—we got lights and went down to the water-side, it was then low-water, and I held the candle over the wharf, while a waterman and our porter went over the wharf into the mud.

When had you seen this bank note?—I never saw it.

Then you do not know there was a bank note?—No Sir, I know the pocket-book.

Court to Mary Maddison. Was there a letter on the parlour table?—No.

Court to Sampson. Had you sent for a letter?—No.

ROBERT BALL *sworn.*

On the 12th of February I rung at the bell between seven and eight, the servant came to the door in a great fright; she was some time before she came; when I came in I found the door had been bolted top and bottom; nobody was with me, I immediately run out and cried out thieves; we got lights and went to look for somebody, we searched all roundly, and then went into the warehouse, and the door next to the water was open; upon the wharf there laid a candlestick which we brought in; I saw the papers laying on the floor, then I went along the shore, and there appeared to be nobody.

ISAAC HODGSON *sworn.*

I went and rung at the bell of Mr. Sampson's, nobody answered the bell as usual, then the porter came, and we heard the maid come out, crying there was thieves in the house; she said there were three of them, and one of them I knew very well; we went to the foot of the stairs and went backwards and found nobody; the girl described him as having thick lips, and a handkerchief over his mouth, she said she knew him; I went to Bow-Street, and they brought the prisoner, and asked the girl, if that was the person? she said yes.

Mr. Garrow. She described him to have thick lips?—Yes.

Was your prisoner when this young man was searched?—Yes.

Prisoner. I leave it to my counsel.

ANN GROOM *sworn.*

I keep the Crown ale-house, I remember the evening this young man was apprehended, it was the Saturday evening; in the course of that evening I had seen him a great many times in the tap-room; he lives at my house; I cannot tell at what time he came to my house, because I was very thronged; it was between seven and eight, I believe, he came and asked me for a bit of paper, to make out a bill, to receive some money for a pair of lawyers that were at work; and he went to buy a sheet of paper, and in about two minutes he came back, and sat down in one of the boxes, and wrote the bill out, I saw him, his father is a lawyer; he continued at our house I cannot tell how long, I missed him very soon after.

A quarter of an hour?—I cannot fix any of the times.

Did you hear of an alarm of robbery at Mr. Sampson's?—Yes, Sir, I did, and he was in my house at that time.

How far do you live off?—Six houses; he was in the house writing when the alarm was made, he was writing that bill for which he bought the paper; I have known him about eight years, he is a very honest, sober, hard-working lad, as far as I know, that has been his general character.

Mr. Silvester. The house was very thronged—Yes, what time he came in, and went out, I cannot say; I saw Sampson, and his maid, they came to the tap-room, and opened the door, and asked if any of Mr. Dowding's men were there, I said yes; they said some of Mr. Dowding's men had robbed Mr. Sampson? I said there was one of them in the parlour.

HANNAH TEAL *sworn.*

I am servant to Mrs. Groom, I remember the night that Mr. Sampson's house was robbed, it was this night fortnight; I heard

heard of the alarm two or three minutes before eight o'clock. Mr. Sampson's house I know the prisoner, I saw him that evening come to write a bill, he was writing at the time the alarm was brought to our house, he came into the house, and into the kitchen, where I was, then he went out for a sheet of paper, he was gone about five minutes, and he returned and drank tea, and staid in the kitchen; I think he was not gone above five minutes.

Mr. Silvester. What makes you so clear as to the time?——Because I was in and out of the tap-room; I cannot say how much it was before eight; I did not drink tea with him, he drank tea, because he said he could not drink beer; I heard him ask for a sheet of paper; I remember Mr. Sampson's coming to the door, he had not quite finished the bill when the people came in.

What makes you so particular to the hour?——I was afraid my master would not have had cash enough.

Mr. Justice Buller. Wherever there is a public-house that labourers are constantly paid at, I have recommended it to the magistrates to take away that licence, for it is a temptation to the people to spend half their money, they cannot resist it, and then they have not enough to live upon.

JOHN ARNOLD *sworn.*

I am a cooper by trade, I am apprentice to Mr. Groom, I remember the night in which Mr. Sampson's house was reported to be robbed perfectly well; I saw the prisoner that night in my mistress's kitchen, I came in about half an hour after seven, and found the prisoner drinking tea; I heard Shadwell clock strike seven before I went in, and I conclude it was about half an hour after, he continued there about half an hour; I was called out by a man whom I worked with, the prisoner followed me immediately into the tap-room, and afterwards went out to fetch a half-penny-worth of paper, he came in afterwards, and sat beside me, and wrote the bill, he might be a quarter of an hour in writing the bill; I am sure he had never been out of the house; I am sure five minutes was the outside he was out for the paper.

What enables you to recollect?——He came in again as the alarm was given, I asked him for a dish of tea, he said he could not spare any.

JAMES BLACK *sworn.*

I am a sawyer, about half an hour after seven he came and asked Mrs. Groom for sixpence, to get him some tea and sugar, he got some tea and sugar, and came in again at twenty minutes after, and asked Mrs. Grooms for a bit of paper, he went and bought a sheet, and returned again in five minutes after, and he came to the table where I was, and cut two slips off with a knife, and went to the next box, and sat down and wrote the bill out, a carman's ship came in, and said Mr. Sampson was robbed, the prisoner was then sitting in the box close by me; I was not out of the house, I did not observe the prisoner going at all, after he bought the paper.

If he had gone, should you have observed it?——I think I should, I sat opposite to him; I have known him about seven years, I never heard a dishonest character of him, his character was that of an honest young fellow.

Mr. Silvester. What was you about at that time?——There was about twelve of us sat in the box; sometimes I took a pint of beer; there were three men in the box, Arnold and another man, I believe Arnold went out first, afterwards a man named Jeremiah Hannagen went out, then the prisoner went out, I do not know where they went; the young man took the bills in his hand, and it was a quarter after eight when they went out; I did not see any body go out with him, I can be upon my oath.

Mr. Garrow. The time that this man went out was after the robbery was committed?——When the Captain came in I am sure he was in the house.

Court. Had either of those people been out of the room before you heard of the robbery?——They certainly were not.

of them out at the time, after his coming in with the paper.

Were they out at the time he went for the paper?——No, the apprentice was in the kitchen, he was not in the room with me; Hannagen was in the tap-room with me, he was in all the evening, I ſaw him there about half after five.

Can you ſay whether he went out, or whether he ſtaid in the room all the time?—I never obſerved him go out.

THOMAS STEELE *ſworn.*

I am a coal-heaver and ſoldier, I uſe Groom's houſe, I was there this day fortnight in the evening, I heard Mr. Sampſon's houſe was robbed, I came in at a quarter after ſeven, the priſoner was drinking tea in the back kitchen, he continued at tea about a quarter of an hour, then he came into the tap-room to get a ſheet of writing paper of Mrs. Groom, ſhe told him ſhe had none, and gave him a half-penny to go and fetch ſome; he went out, and was gone about five minutes, he brought the paper in with him, and went into the box oppoſite to me, to make his father's account out, in the tap room, there he ſat and wrote; it was about eight when I heard of the robbery, a gentleman came in with a gallon pot, I did not take particular notice of him; the priſoner ſat in the box with me, he continued nigh a quarter of an hour after, he did not go out till a quarter paſt eight; I cannot tell whether any body went out with him; Arnold and the priſoner went out after the alarm was given.

Was the priſoner abſent at all from the houſe, except when he went for the paper?—Five minutes was the outſide; I was getting my ſupper in the back kitchen, I was about two yards off, I was ſitting in the box eating a cow-heel.

How long was you eating?—I cannot tell juſtly, I might be a quarter of an hour or twenty minutes; I think the priſoner was not gone above that time; I ſat by the door, I cannot tell who came in, I went out, I ſaw Black go out, I cannot tell what time he went out, nor how long he ſtaid, I do not remember his going out before the alarm; I cannot tell who went out before the alarm.

What makes you recollect the priſoner particularly?——I cannot tell every one.

Mr. Garrow. I ſuppoſe you eat your cow-heel as my friend does his veniſon, very much at your leiſure?—Yes.

JEREMIAH HANNAGEN *ſworn.*

I am a coal-heaver ſometimes, if I can get it, I uſe Groom's houſe, I was there this day fortnight in the evening, I went there between ſeven and eight, and ſaw the priſoner at Mr. Groom's, ſitting in the tap-room firſt, then he was writing a bill in the box next to me, he wrote it on paper.

Where did he get that paper?—I do not know, I know he went for the paper, he was not gone five minutes, I heard him ſay he was going for ſome paper to make his father's bill; I think he was not gone above five minutes, when the alarm was of the houſe being robbed, a gentleman came in with a gallon pot in his hand, the priſoner ſtaid all the time he remained in the tap-room, till the alarm of the robbery.

Mr. Silveſter. What did the Captain ſay when he came in?—He gave the gallon pot, and ſaid his man had helped to take the thieves.

He did not ſay who they were?—No, I was drinking beer, and ſat in the ſame box with the priſoner all the time.

Was you ſober?——I was as ſober as I am now; I ſaw the priſoner facing the door before he came out.

Court. What was the priſoner about when you firſt came into Groom's houſe?——He was a good while in the houſe before he began to write the bill.

WILLIAM JOHNSON *ſworn.*

I am a chandler, on the 12th of this month, on the Saturday night, the houſe was beſet, the priſoner was in my ſhop, he came for a ſheet of common writing paper, and he went out, and in about ten minutes, or a quarter of an hour, or not ſo much,

there was an alarm of a robbery; my houſe is oppoſite Mr. Sampſon's, and about thirty or forty yards from Groom's; he came for a ſheet of paper, I had none to ſerve him with, that was after ſeven, but I cannot recollect how much; it was impoſſible for that young fellow to be concerned in the robbery.

ANDREW DOWDING *ſworn.*

I am a cooper, the priſoner and his father worked for me, and did at the time of the robbery, they both worked for me theſe ſeven years; he had worked that week that the robbery was committed, he and his father earned two pounds eleven ſhillings and ſeven-pence, he was a very honeſt lad, not given to clubs or any thing; he has lived at Mrs. Groom's theſe ſix years.

Court. Would you take him again into you ſervice?——By all means, to morrow morning.

The priſoner called two more witneſſes, who gave him a very good character.

NOT GUILTY.

Court to Dowding. You will be ſo good to take him home with you.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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372. MATHEW MARKS was indicted for feloniouſly ſtealing, on the 27th of January laſt, two iron kitchen ranges, value 5l. two Bath ſtoves, value 40s. three iron grates, value 20s. the property of John Harcourt, Eſq.

JOHN CROSS *ſworn.*

I am a ſmith, I live in the pariſh of St. George, Hanover Square; about the latter end of December, the priſoner came to me, and told me his maſter had made him a preſent of an old Bath ſtove, and deſired me to look at it; accordingly I went into Hanover Square, to the proſecutor's houſe, and there was a ſtove without a back to it; he deſired me to carry it home, and he put it on my ſhoulder, he told me not to mind the money till he called; when I came about a hundred yards off the houſe, he followed me, and ſaid there is another ſtove, I forgot to tell you of, ſays I, if there is, I will ſend my man for it; I ſent my man, and he brought it, there were more things that my man knows of; I was at the ſhop when he brought it: on the 1ſt of January he came to me, to the King and Queen, in Oxford-ſtreet, and brought a memorandum of theſe things, which he read to me, it contained three Bath ſtoves and two grates, and four ſmall fixed grates, he had valued them at five pounds; he made an agreement with me, that I was to give him five pounds for them; I told him that I could not conveniently pay him for them then, but he did not aſk me for the money; and on the Tueſday following he came to me, and ſaid, I am going with my maſter to Eſſex, and I ſhall not be in town for two months, take no account of thoſe things till my return; he was then Mr. Harcourt's ſervant, I knew him to be ſuch, as I work for Mr. Harcourt.

When were theſe grates found at your houſe?—On the Tueſday following, I had a meſſage from Mr. Harcourt.

Mr. Garrow, Priſoner's Council. Is it your uſual practice to purchaſe the property of maſters, when brought by the ſervants?——No Sir.

I hope not, it is not a practice this Court will approve.

JOHN SKINNER *ſworn.*

I am ſervant to Mr. Croſs; my maſter ordered me to go to the proſecutor's houſe, and the priſoner was there, and he ſhewed me the things that I was to fetch, which were two Bath ſtoves, and two grates, and four little grates ſet in brick work; the priſoner helped me to unſet them, they were two kitchen grates.

Were they fixed?——Yes, they were all fixed, but the Bath ſtoves were not fixed.

Are you ſure of that?——Yes.

At

Are you clear in that?——I am clear in that, that they were never fixed.

——— HARCOURT, Esq; *ſworn.*

This was an empty houſe, that my Lord Townſend had gone out of, at the corner next to George-ſtreet, and the priſoner had the key to ſhew it to any body; that occaſioned the opportunity of diſpoſing of theſe things; and theſe things were gone.

Were theſe things there?——They certainly were.

Were the Bath ſtoves fixed or not fixed? They were ſlipped in nicely, but without any work, I believe they fitted ſo nicely they were put in; the kitchen ranges muſt have taken a great while to have got down, for I ſuppoſe they weigh one of them fifteen hundred weight.

Were theſe things yours?——Yes.

How long had this man lived with you?—About three years.

Mr. Garrow. I will take the liberty of aſking you, Sir, whether this is your freehold houſe or not?—It is not.

You have a leaſehold intereſt in it?——Yes.

Were theſe fixtures originally in the houſe, or did you put them in?—I bought the Bath ſtoves of the gentleman, when he went out of it, as fixtures.

It is uſual in theſe Bath ſtoves, which are fitted to the chimnies, to make them flush with the chimney by plaſter, ſo that the aſhes and coals ſhould not get under the grate?——I apprehend the maſons work, what they call the free ſtone, was fitted ſo nicely to it, as to prevent the neceſſity of it, but Skinner can tell you.

Mr. Garrow to Skinner. Was that back faſtened to the chimney?——Not faſtened at all.

Is not it fitted up with plaſter?—I am ſure it is not.

Was it a chimney in which there was free-ſtone on the ſides?—The back of the chimney was free-ſtone.

What were the ſides?—Stone blacked.

Jury. Was there not upon the back of the grate, a finiſh up with brick and plaſter?——No Sir.

Proſecutor. I can account for that; for the lady who had the houſe, and had theſe grates put up, was particularly nice in that reſpect, to have the backs made with free-ſtone, and the backs exactly to fit.

Jury. I ſhould preſume that the grate was firſt fixed before the free-ſtone.

Proſecutor. There was an uncommon large back made againſt the free-ſtone, ſo as to make it as neat as poſſible.

Mr. Garrow. Will you do me the honour to attend to me one minute; in the caſe of the particular ſtone that you ſpeak of, as having a large back; do not you apprehend that the ſtove was firſt put in?—Upon my word I do apprehend, that the ſtove was ſo contrived, as to fit as nice as poſſible, and puſhed in after the maſons work was all ſet.

Mr. Garrow to Skinner. In taking out theſe ſtoves, did you make any dirt or rubbiſh?——No farther than the ſoot that fell down the chimney.

Proſecutor. It ſometimes happens, that they fix the free-ſtone upon the hob, as it is called, which I apprehend was not the caſe here, becauſe they muſt have broke off the free-ſtone to take it away.

Priſoner. I leave it to my council.

Mr. Garrow to Proſecutor. I take the liberty of aſking you, what was this young man's character before?—For about three years before this, I thought him honeſt.

You thought him always honeſt, till this unfortunate temptation and your ſmith concurred to make him otherwiſe?—Yes.

The priſoner called three witneſſes who gave him a very good character.

GUILTY.

Tranſported for ſeven years.

Jury. My Lord we wiſh to recommend him to mercy on account of his character.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

373. JASPER

373. JASPER ROBINS was indicted for burglariously and feloniously breaking and entering the dwelling house of Ann Dixon, about the hour of eight in the night, on the 3d of February, and feloniously stealing therein, eighteen pieces of black silk, value 2s. one linen apron, value 6d. one muslin apron, value 1s. five linen handkerchiefs, value 1s. a pair of cotton stockings, value 6d. a pillow case, value 6d. and a towel, value 1d. her property.

ANN DIXON *sworn.*

I am a widow, I live at No. 11, in New Rents, St. Martin's le Grand, I have lived there thirteen years; a little after eight I heard a noise, and in a minute I heard it again, as if my one pair of stairs door shut to; I was in my kitchen, which is underground, I had lodgers, but none of them were at home; my windows were all shut up for the evening, I shut them; my street door was upon the single lock; my sister was with me, there was no other person in the house.

How do you know the street door was on a single lock?——When I was frightened with the noise, I was particular in turning the lock back, to let myself out.

Then you did not know any thing of the situation of the house at all, till you heard a noise?—One of my lodgers went out last between five and six.

Did you go to see the state of the door after that?——I heard it shut, I am sure it was shut; after I heard the noise in the kitchen, I came up to the passage, and I smelt fire or like tinder burning, or linen; then I opened the street door, and looked up at my windows, I saw no light, and all my windows were shut; I had not stood a minute, before I heard my two pair of stairs door breaking open, it is my bed room; my sister was in the two pair of stairs room last, she is not here, she locked it; I then went out and looked up at my windows, and I saw a light in the room where I sleep; and I begged of my sister to stand at the door, and I would go and get Mr. Mulcaster, and he went up and took the prisoner; first saw the prisoner in the parlour, with the things mentioned in the indictment; one window of the dining room was fastened down, and the other was shut; Mr. Mulcaster had in his hands, eighteen pieces of black silk, and five handkerchiefs, and an apron, the apron is marked with my own name, A. D. the handkerchiefs I have had for some years, they were not marked; the things were all taken out of my bed room.

Mr. Garrow. Mrs. Dixon, how many lodgers have you?——Five, all men, creditable tradesmen that go to their work.

Have they all keys to the street door?—No.

Who lodges in the first floor?——I had nobody then.

What time do you usually shut up your house at night?—As soon as it is dark, I had shut up my house for good, all but shutting up one window shutter, sometimes I shut both windows of the first floor; but I had been washing, and hung some clothes there; I always fasten the sash, I think it was fast then.

You did not find all the fastenings of the house broke?——No.

How was the window of that two pair of stairs room, which is your bed room?—It was a casement, it was shut, and none of the glass broke; there is a little sort of a slanting ledge, the house is a corner house.

So that with a good deal of help, and something to hold by, a man might by chance walk along as a cat does?——Yes, they must hold by the other ledges, or by the wall, or else they could not.

This is in a public street?——No.

You have neighbours on each side of you, and some in front; therefore if a man chose to play the cat there, he would be observed; he could not walk along without being seen, if he were to walk along there to throw up the window?—It was a very dark night.

JOHN

JOHN MULCASTER *ſworn.*

Between eight and nine the 3d of February the proſecutrix came to our ſhop door, and called as loud as ſhe could, for God's ſake Mr. Mulcaſter come to our houſe for there are thieves in the houſe; it was quite dark; ſhe ſaid the thieves were up ſtairs, I took a light immediately from the parlour and run up ſtairs; while I was on the ſtairs I heard a perſon running up before me without ſhoes ſeemingly; when I came up to the one pair of ſtairs; I juſt ſlightly looked there, and I turned my eyes and ſaw all the things that are mentioned in the indictment, on the ſecond pair of ſtairs; ſome upon one ſtair and ſome upon another; they were ſeparate; I heard a buſtle above ſtairs, and apprehending there might be more than one, I called to my ſon who came running after me, to go and call Mr. White, a gentleman who was in my houſe; my ſon ſtood on the outſide of the door; I went up ſtairs into the two pair of ſtairs, and there found both the doors open, it has originally been only one room, but there is a deal partition put up to make it two; the one is a very ſmall room, the firſt room is not the bed room.

Was that door open of the firſt room?—Yes.

Was there any thing broke about it?—The lock was broke, and the two front ſcrews were forced out, the door opened outwards towards the ſtairs, and by its being wrenched towards the ſtairs to open it, the ſcrews were forced up, ſo that it hung by the back ſcrew.

Did you ſee into that room?——I juſt looked into it; I ſaw men's wearing apparel looked up altogether, that was all I ſaw in that room; Mr. White came up, and I begged of him to liſten on the ſtairs, and let me know if any body came down, and I looked into the bed room, I looked ſlightly under the bed, I came out immediately finding nobody there, I went up the third pair of ſtairs, and I met the priſoner coming down with his ſhoes in his hand; the lock of the bed room was broke, and a piece of the iron was forced off, I found this on the ground; the drawers in the ſecond floor were cut in the upper part to let the lock out.

Were they cut in more places than one?—Only in one place, there were ſeveral articles of the proſecutrix's wearing apparel laying in the room; I examined the door the next day, and both the doors were forced open ſeemingly with this plaiſterers hammer which was found there; as I met the priſoner coming down with his ſhoes in his hand, I laid hold of him and aſked him if there were any more, he ſaid no; I begged Mr. White to take care of him while I ſearched the garret, but I found nobody in the garret, one garret window was open, but there were bars before it, ſo that nobody could get in or out; I took the priſoner down ſtairs in the parlour, and I ſearched him; upon him I found theſe two knives, this centre bit, and theſe matches.

Mr. Garrow. This centre bit in its preſent ſtate is utterly unfit for any uſe.—Undoubtedly it is; it is of no uſe without a ſtock.

If it had the beſt ſtock in the world, it would not be of any uſe; it is all notched; you do not find that the centre bit had been uſed?——No, when we came into the one pair of ſtairs, the ſaſh was a little open, about half a pane or a little more.

Not room enough for a man to come in?——Not in that ſtate.

And for any thing you know the ſiſter might have come in after the alarm and put put up the window?——I do not know.

PRISONER's DEFENCE.

Coming down St. Martin's le Grand, a coachman aſked me to go and call one Penny Feather up three pair of ſtairs, and I went up, and coming down this gentleman came and took me.

Court to Proſecutrix. After the alarm of the noiſe, you ſay your ſiſter was with you, do you know whether your ſiſter left you?——I knew nothing after I went out.

You cannot tell then what became of her?—No.

The priſoner called ſeven witneſſes who gave him a good character.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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374. ELIZABETH CHAPMAN was indicted for feloniouſly ſtealing, on the 5th of February, fourteen yards of black lace, value 30s. the property of Thomas Hobbs, privily in his ſhop.

THOMAS HOBBS *ſworn.*

I live at No. 4, Lombard-ſtreet, Seven Dials; I keep a ſhop there: on the 5th of February laſt, between ſix and ſeven in the evening, the priſoner came in and ſaid ſhe wanted to match ſome black lace; I had ſeen her before, ſhe had a pattern of lace with her; I ſhewed her ſome lace, I had ſome that matched it as near as could be, ſhe aſked the price of it, I told her thirteen-pence a yard, ſhe ſaid that was too dear, for her's coſt but eight-pence; I told her I had no other, if that would ſuit her that was the price and the very loweſt; in the window I had nine cards of black lace laying; I can ſay with certainty there were nine pieces there, for I counted them not ten minutes before, I was juſt come in from the country.

How happened it that you coming from the country ſhould count theſe cards of lace?—I have loſt ſo much goods lately out of my ſhop, that I always deſired my wife and ſhop-woman to count them; I returned about ſix.

Had you any cuſtomers or any body that gave you occaſion to count the lace?—No, but I am ſure I counted it; I ſaw the priſoner's ſilk handkerchief in the window, and her hand was upon it, the priſoner ſtood againſt the window, and the lace was on the counter; then the priſoner wiſhed me a good night and went away; then the handkerchief was gone.

Did that handkerchief cover any thing?——I cannot tell whether it lay over any lace or not; the priſoner went out of the ſhop, and I immediately miſſed this card of lace, the card is marked with my ſhop mark at one corner, U. N. fourteen yards and a half; I ſold ten yards and a half off that very piece and laid it in the window; I immediately followed her out, and clapped my hands on her, and ſhe had it in her pocket, lapped up in this ſilk handkerchief.

Was that the ſame handkerchief you ſaw in the window?——It was the ſame handkerchief, it was plain, it had no marks at all upon it; that was the ſame handkerchief I ſaw in the ſhop, as far as I can judge; I immediately laid hold of the lace and the handkerchief, and ſhe ſaid ſhe did not know that ſhe had it, and begged for mercy.

Was the lace rough or ſmooth?—It was in this form putting it in her pocket, and ſhe had a large cloak on; it was upon the card that it is now, I have meaſured it ſince, it is the ſame piece.

What is the value of it?——It is valued at a great deal leſs than I gave for it; I have put it at ſix ſhillings and three-pence leſs than it coſt me; the conſtable came and took her away.

Mr. Knowles, Priſoner's Council. How long had you been in the country before you came home?——I went on the Wedneſday.

When did this happen?——On the Saturday.

Did you take an accurate account of all your ſtock when you went out of town on the Wedneſday?——The lace and ribbands I did, becauſe I loſe ſo much.

How long had you been in town before this accident happened?—I had not been at home half an hour.

Is your ſtock pretty extenſive?—No, it is not.

You were of courſe very ſuſpicious?—Yes.

Have you any partners?——No, Sir.

No

No perſon intereſted in the buſineſs but yourſelf?—None but my wife and myſelf.

Has your wife any part of the profits of that buſineſs ſettled on her by deed?—No.

Was this lace of any particular pattern? —I never had the pattern before.

It is not uncommon, I ſuppoſe?—Other people may have it.

Did you count it inſtantly as you came in?—I did.

Whereabouts did ſhe ſtand?—Cloſe by the window.

What length of time was ſhe in the ſhop? —About ten minutes.

Then of courſe ſhe, as any other perſon might, perfectly inoffenſively, lean againſt your counter? — Not inoffenſively, a perſon could not inoffenſively take away a card of lace.

Whether in the courſe of her wiping her face with her handkerchief, the handkerchief might not drop from her hand to that lace?——No.

When you ſaw it there, where you ſay it could not be without deſign, why did not you immediately communicate your ſuſpicions to her?—I did immediately after I loſt the lace; the handkerchief might be the length of this book from the lace.

Was it in ſuch a poſition that it might naturally fall from the hand of that woman?—I cannot anſwer that queſtion.

Was that handkerchief in ſuch a poſition as it might without deſign fall from the hand of that woman?—She muſt, by having that card of lace afterwards, do it with a deſign to take it away.

Now I aſk you, whether as it appeared in that poſition, why you did not immediately lay hold of her, and prevent her carrying it out of the ſhop?——I had no ſuſpicion of her taking the lace away, I did not ſee her take it.

Was this lace ſo doubled up in the handkerchief as indicated any deſign in her to take it; were there any folds in the handkerchief?—No.

Had ſhe not time enough to fold it up afterwards?—I followed her out immediately; I marked it myſelf.

JACOB FREEMAN *ſworn.*

I attend the Rotation office in Litchfield-ſtreet, on the 5th of February, between ſeven and eight, I do not ſpeak with certainty to the time, it was on Saturday, I was going through Lombard-ſtreet, Seven Dials, when I came to the corner of the ſtreet, I obſerved a great crowd, I came up directly and ſaw the proſecutor have hold of the priſoner, I am ſure it was her; I aſked what was the matter? I puſhed through the crowd, and laid hold of the proſecutor and the priſoner; and the proſecutor told me in the preſence of the priſoner, that ſhe had robbed his ſhop; I deſired him to let her go; which he did, and I took charge of her; the property was taken from her before I came up; the proſecutor had a card of lace in his hand when I came up.

Had he any thing elſe in the hand where he had the card of lace?——Not that I obſerved, I ſuppoſe there were fifty people at leaſt; the priſoner offered me ten guineas to let her go.

Mr. Knowles. Whoſe office do you attend?——The office in Litchfield-ſtreet.

Have you not been diſcharged from that office?——No.

Will you ſwear that?——Yes, I will, I loſt the uſe of my limbs, and ſince that I have been at my own houſe in the country.

What charge did the proſecutor give you of the priſoner.

She was very obſtropulous, he charged her with robbing him.

Did he ſay he had ſeen her rob him?—— He ſaid he did not ſee her.

Priſoner. Sir, I never touched it to the beſt of my knowledge.

The Priſoner called two witneſſes who gave her a very good character.

GUILTY, **Death.**

She was humbly recommended to mercy by the Proſecutor.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

375. HENRY

375. HENRY JACKSON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Thomas Beaſley, about the hour of ſeven in the night, on the 18th of January laſt, and burglariouſly ſtealing therein two crape gowns, value 5s. one cotton gown, value 5s. two muſlin aprons, value 2s. two muſlin handkerchiefs, value 5s. one linen handkerchief, value 12d. one black ſilk cloak, value 5s. one cloth coat, value 8s. one waiſtcoat, value 2s. and one pair of ſtockings, value 12d. the property of the ſaid Thomas.

THOMAS BEASLEY *ſworn.*

I live in the pariſh of St. George, Hanover-ſquare, in King-ſtreet, Groſvenor-ſquare, No. 18, I am a coachman; on the 18th of January laſt I went out about ſeven in the morning to my buſineſs, and did not return till half paſt ſix in the evening, when I came home I ſaw my window open.

Who lived in the houſe?——There was my wife, and two women, and one lodger beſides; I looked in at the window, and could not ſee any body at all; I knocked at the door, and before my wife came to the door the priſoner jumped out of the window; I purſued him about forty yards, crying ſtop thief; I never loſt ſight of him till I ſaw another man, one John Hutchins, run after him, he is a neighbour, and another man took him; there was nothing taken from the houſe, but the things were removed from one room to another; thoſe were the things mentioned in the indictment, *(deſcribes them)* they were laying on the floor in the front parlour, when he jumped out of the window, they are my property.

ELIZABETH BEASLEY *ſworn.*

Court. The window being thrown up and no pane of glaſs broke, I conclude it was not ſcrewed?——I am wife of the laſt witneſs, I ſhut the window down as uſual, but undoubtedly I muſt have neglected to ſcrew it; there is a ſhallow area under that window; I am confident it was not thrown open in any part of that day; I did not make frequent obſervations upon it; this window opened into a fore parlour; I was the beſt part of that day in a fore kitchen, but at the time this happened I was at work in my back kitchen; I loſt nothing, but two muſlin aprons were taken out of the drawers, of the value of five ſhillings, a handkerchief, value ſix-pence, a window-curtain, value three-pence, a black ſilk cloak and a pair of cotton ſtockings.

JOHN HUTCHINS *ſworn.*

I ſaw a man jump out of the window, but I cannot ſwear it was the priſoner; Mr. Beaſley cried ſtop thief, and I followed him as cloſe as I could, he was never out of my ſight, after he came by my ſtall till he was taken; the priſoner is the man that ran paſt me, and that I followed: I was not out of the ſtall when he ran by.

Jury. Is that the man that ran by the ſtall?——To the beſt of my knowledge it is.

JOHN LEADBETER *ſworn.*

I apprehended the priſoner on the 18th of January, there was a cry of ſtop thief, and I was coming up South Audley-ſtreet, and this man was firſt, and I took him the further corner of Groſvenor Square; it might be about half paſt ſix, there were a great many people behind me; I took him into cuſtody, when I took him he was running very hard: I took him about two or three hundred yards from the proſecutor's houſe.

PRISONER's DEFENCE.

I was in the country that afternoon, and coming into London I heard the outcry, and I ran down Upper Groſvenor-place, and a man on horſeback and this gentleman came and laid hold on me, and ſaid I was the perſon.

Court. Was there any one elſe running away beſides that man?——Nobody, he was the firſt man.

Court

Court to Mrs. Beasley. At the time the profecutor knocked at the door, was any body in your houſe?——Two women and a man, in the back kitchen, and a man in the two pair of ſtairs floor.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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376. BENJAMIN STOKES was indicted for feloniouſly ſtealing, on the 3d of February, two bullocks, price 16l. the property of Peter Lefevere, Eſq.

The Caſe opened by Mr. Peatt, Council for the Proſecution.

NEWBERT ABBOTT *ſworn.*

I am ſervant to Mr. Clarke, of Shadwell, butcher; I had a converſation with the priſoner at the White Swan, where I lodge, in New Gravel-lane, I have lodged there near two years, ſometimes I kill beaſts or ſheep, and ſometimes I fetch ſheep home from market; the priſoner and another man deſired me to go and aſk my maſter, whether he could kill a heifer for him at his ſlaughter-houſe, I aſked my maſter, and he ſaid I might; I informed the priſoner of my maſter's aſſent, and the priſoner ſaid he would go and fetch the heifer as ſoon as he could.

What time did the converſation between you and the priſoner happen?——About one on the 3d of February.

What time did he return?—He returned between ſix and ſeven.

What did he bring with him?——Two bullocks.

Dead or alive?——Alive, on Wedneſday between ſix and ſeven in the evening, I think it was the 3d of February, I put them into my maſter's pound.

Was Mr. Clarke within?——I do not think he was; the priſoner and another man, whom I do not know, had been with me, to put the beaſts into the pound; the priſoner was one of the perſons that put the bullocks into the pound; I have known him for years at different times.

What kind of bullocks were theſe, that were in the pound?—They were brownith, they had no mark upon them to my knowledge, but a little was cut off the end of the tail of both of them.

Was there any thing particular in their horns?——Nothing, the man that came with the priſoner, came to help me to kill it the next day; I began about nine o'clock; they might weigh about three-ſcore ſtone apiece.

Did you kill one or both of them?——Only one.

Was the beaſt you killed on that morning, one of theſe bullocks that was put into the pound, the preceding evening?—Yes.

Was there any other beaſt in the pound?—Only them two, the door of the pound is only bolted, the priſoner came to Mr. Clarke's about two in the afternoon, on the Thurſday.

Was the priſoner preſent at any converſation between you and Clarke?——Yes; the other man came to kill the bullock, the bullock was hung up, and left in the ſlaughter-houſe, I had no orders to carry it any where; the offal was left in the ſlaughter-houſe till a diſcovery was made whoſe bullock it was, and that it was ſtolen.

THOMAS CLARK *ſworn.*

I am a butcher, I keep a houſe at Shadwell, and have a ſlaughter-houſe; I have lived there a twelvemonth laſt Midſummer, I am a cutting butcher, I ſell ſometimes alive, and ſometimes dead.

Did your man Abbott ever come to you and aſk you to give permiſſion to kill a heifer in your ſlaughter-houſe?——Yes, for two perſons, he ſaid, it was to kill a heifer.

What day of the month or week was it?—On Wedneſday about twelve, the 2d day in February, in lieu of that they brought ſomething the over night about ſeven o'clock.

Is the priſoner one of the perſons that came with the bullcks?——Yes.

Did you ever know the prisoner before? ——I saw him once before.

What did he bring to you? ——I did not see it till Thursday morning, then I went up to the market, to buy some meat at Leadenhall, and Whitechapel, and in consequence of my permission, one of them was killed, the weight was about sixty stone apiece; when I went down and saw what they were, I did not expect to see anything of that kind, for I thought it was a thing of no extraordinary value; I says to the man, ask the prisoner who these bullocks belong to, and the prisoner replied, they belong to us both; I said, I should be glad to know where you bought them, and he did not give me any answer at all to the purpose.

Court. What answer did he give? ——He said, he had fetched them a great way, and for that reason he desired, I would let him take his property away; I said, I shall not unless you give me a particular account how you came by them, from some sufficient house-keeper, in the parish of Whitechapel, or Mile End; he would not give me any answer about them; after this I gave information to the Magistrates, and then he desired to take the hide away.

Court. Did you see any marks anywhere on any part of these bullocks? ——There was no marks, nor no scissars had been upon them, as though they had been bought or sold; that made me suspicious, I thought the property was rather too good to be their own; I had no other reason as there was no mark on their hips; the prisoner returned afterwards, and desired to take away the hide, I went to Justice Green's office, and two of his men came down to us, and when they saw the men, they made their escape.

FRANCIS CUTLER *sworn.*

Between four and five in the afternoon, the 2d of February, I was feeding my master's bullocks in a field, there were some brown ones among them, they are what they call Welch-runts or steers; I fastened the gate in the usual manner, they were folding gates, there was a large wooden bar with a padlock; I saw one of those beasts afterwards at Mr. Clarke's, on Thursday morning between seven and eight, the padlock was undone and hung on; the bullock was a darkish brindle on the head and sides, more so than on the back; part of the hair and tip of the tail was gone, some white on the legs within the legs, I know him by his marks, he was very tame, and used to feed out of my hand, I saw a hide at Mr. Clarke's, I examined it and thought it was the hide of the other; the cattle of my master were left to me to feed and take care of.

JOHN ROGERS *sworn.*

I am footman to Mr. Lefextre, I often saw these beasts of his, I do not recollect seeing them on the 2d day of February, I believe the bullock I saw at Mr. Clarke's is one of them.

WILLIAM ELBY *sworn.*

Me and Orange, and Fletcher apprehended the prisoner; the prisoner and another man came and took a candle, and went down below into the slaughter-house, and when we went down into the slaughter-house soon after, we found the nails out of the back gate, and the men had made their escape that way; I saw nobody in the shop where Clarke was, besides the two drovers.

Clarke. I had removed the hide under the stairs, that gave them the first alarm.

THOMAS RICHARDS *sworn.*

I apprehended the prisoner at the sign of the Three Jolly Butchers, in Spitalfields Market, on the 18th of February, on a Friday.

PRISONER's DEFENCE.

On the first of February, I went down to Laytonstone, and I went to a gentleman's house, I heard he had a heifer to sell, and I bid him money; on the 3d of February, I went to Ratcliff-highway, and had a pint of beer, and I spoke to this man, and he said, he could get the liberty to kill a; I did not go to Laytonstone again, and on night

night I heard ſomething coming, and it was two beaſts, and the man that drove them, deſired me to go with him, he ſaid, it was to Clarke's houſe, he ſaid, he brought them out of Eſſex, he gave me a couple of ſhillings, whether they were bullocks or cows I do not know.

JAMES DALLENGER *ſworn.*

I live in Weſt Smithfield, I am a receiver of money for cattle ſold in that market; I can only ſay of the priſoner, that I have known him about ten years, he has been employed by different ſaleſmen who tranſact money matters, and I have had to pay him.

Can you collect from his conduct that he is an honeſt man?——He was much addicted to drinking, but with reſpect to honeſty, I never heard him accuſed.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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377. THOMAS COUSINS was indicted for feloniouſly ſtealing, on the 10th day of February, one watch, with the inſide caſe made of gold, and the outſide caſe made of ſhagreen, value 8l. one ſteel chain, value 1s. one cornelian ſeal ſet in gold, value 5s. one gold acorn, value 1s. one ſilver watch, value 20s. one ſtone ſeal ſet in baſe metal, value 6d. and one baſe metal key, value 3d. the property of Charles Wertherley, in his dwelling houſe.

CHARLES WERTHELEY *ſworn.*

I live in Bearbinder-lane, the priſoner was my porter, and carried out things; he kept in the houſe, he robbed me of two watches, he had lived with me three months and a fortnight: on the 10th of February laſt, about eleven at night I miſſed theſe two watches, one was gold and the other ſilver; the priſoner quitted my ſervice that day: I miſſed alſo the chain and ſeals mentioned in the indictment; the watches hung in the dining room, I ſaw them about eight that morning.

FRETWELL BOWMAN *ſworn.*

I am a pawnbroker, in Drury-lane, on the 11th of February, about ſix in the evening, the priſoner brought a ſilver watch and a metal ſeal and key to me to pledge; he ſaid it was his own, and he had it about three months, and it coſt him nothing; then I aſked him again how long he had had it, he then ſaid a fortnight: I thought the watch was not his own, and I ſent for a conſtable; this is the watch he offered me; he was examined, and on him was found this gold watch in a ſhagreen caſe, and gold ſeal and acorn, and a ſteel chain; he did not refuſe to be ſearched.

(The two watches produced and depoſed to.)

MOSES MORANT *ſworn.*

I apprehended the priſoner, and took this gold watch from him.

GUILTY.

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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378. JAMES JONES was indicted for feloniouſly ſtealing, on the 19th of February laſt, one linen handkerchief, value 1s. the property of William Guy.

The Proſecutor loſt his handkerchief, and immediately ſaw the priſoner drop it on the ground.

The priſoner called two witneſſes who gave him a very good character.

GUILTY.

Privately whipped.

Tried by the London Jury before Mr. RECORDER.

379. THO-

379. THOMAS SMITH was indicted for feloniously ſtealing, on the 4th day of February, twenty-ſeven yards of blue linſey, value 25s. ſeven yards and three-quarters of kerſey, value 7s. and four yards of ſerge, value 4s. the property of Birkhead Hitchcock,

BIRKHEAD HITCHCOCK *ſworn.*

On the 4th of February, I was in a room at the further end of my ſhop, I ſaw the priſoner paſs and repaſs the ſhop two or three times, and I ſaw him come by the bulk of my window, ſlip off a bundle, put it under his arm, and walk away; mine is an open window, I ran after him immediately, and ſeized him.

THOMAS ROGERS *ſworn.*

I ſaw the priſoner take the cloth.

—— REYNOLDS *ſworn.*

I ſaw the proſecutor follow a perſon and collar him juſt by my door, I ſaw the bundle taken from him and given to another man; I ſent my young man home with him, to aſſiſt him.

(The things depoſed to.)

PRISONER's DEFENCE.

I had been to Tower-wharf to know when the Ramſgate hoy was going; I ſaw this property lay at a little diſtance from the door, and the proſecutor came and ſaid it was his.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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380. JAMES THOMAS was indicted for feloniouſly ſtealing, on the 17th day of February, one wooden box, value 1s. fifty-ſix pounds weight of ſeed called anniſeed, the property of James Fowler and others.

JOHN MANSFIELD *ſworn.*

I am a watchman on the keys, on the 17th day of February, I came to Bear-key gateway, and I ſaw the priſoner coming up with the box on his ſhoulder, it wanted twenty minutes of two, he came up from the water ſide, I ſtopped him and took him, and he came with me *as tame as a lamb*; it has been in the care of the conſtable ever ſince.

—— HOWARD *ſworn.*

I aſſiſted the laſt witneſs to ſecure the priſoner; and ſaw the property upon him.

JOSEPH FILEE *ſworn.*

I packed the box, and delivered it to the porter of Bear key, to the Porters-key porters, and I conceive they are anſwerable for it after delivery; this is the box.

JOHN LAKE *ſworn.*

I am one of the gangſmen, we receive goods from the merchants, and deliver them to the merchants to carry on board ſhip.

PRISONER's DEFENCE.

I am a poor man, and was out of employment, I went to try to get a day's work where I could, and a man on the keys aſked me to carry this box to Cheapſide, I aſked him two ſhillings, and he offered me one ſhilling and ſixpence, and he walked up the gateway, and this man came and ſeized me.

Jury to Mansfield. Did you ſee anybody near him when he was firſt ſtopped?—No, nobody was nigh him.

GUILTY.

Whipped at Bear Key.

Tried by the London Jury before Mr. RECORDER.

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381. RICHARD CLARIDGE was indicted for feloniouſly ſtealing, on the 26th day of January laſt, one wooden tub, value 3d.

3d. and fifty pounds weight of butter, value 30s. the property of William Bird.

WILLIAM BIRD *ſworn.*

I ſaw the priſoner crawl into my ſhop, and run away with a tub of butter; I purſued him and took him, he threw away the tub.

RALPH YOUNG *ſworn.*

I ſaw the priſoner come out of the ſhop with the butter in his hand, I purſued and took him, he was never out of my ſight, I ſaw him drop the butter.

NATHAN LYONS *ſworn.*

I took charge of the priſoner and the butter.

(Depoſed to.)

PRISONER's DEFENCE.

I was coming up the lane, and this tub of butter lay in the middle of the road, and they took me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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382. WILLIAM MOSELEY and JOHN MALY were indicted for feloniouſly ſtealing, on the 13th day of January laſt, one linen handkerchief, value 6d. the property of a certain perſon unknown.

WILLIAM MOSELEY, GUILTY.

Tranſported for ſeven years.

JOHN MALY, GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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383. JOHN HIAM was indicted for feloniouſly breaking and entering the dwelling-houſe of John Hawkins, the ſaid John and one Thomas Hawkins being therein, about the hour of four in the afternoon, on the 14th day of January laſt, and feloniouſly ſtealing therein five ſilk handkerchiefs, value 15s. and twelve ſilk and cotton handkerchiefs, value 25s. the property of the ſaid John Hawkins.

JOHN HAWKINS *ſworn.*

I live in Alderſgate-ſtreet, my ſhop window was broke between four and five in the afternoon, on the 14th of January laſt, and the things in the indictment taken; the handkerchiefs were found upon the priſoner immediately after.

CHARLES HAMILTON *ſworn.*

I live directly oppoſite to the proſecutor; on the 14th of February I heard the cry of ſtop thief, one of the other witneſſes had hold of him; I took a piece of handkerchiefs from him.

Proſecutor. I cannot ſwear to them, I loſt ſuch ſort, and they are the ſame number.

Priſoner. That witneſs was not there at the time it was done.

JAMES SERLE *ſworn.*

I live in the neighbourhood of the proſecutor; I had been down in my cellar for ſome coals, and my boy ſays to me, take care daddy, there is a bull coming; there were a number of people, and I ſaw the priſoner paſs this window, and turn back again; I ſtepped towards that ſide of the way, I ſtaid there till the glaſs broke; I was determined to take the firſt man that came away; the priſoner was not dreſſed as he is now; he came a yard off the pavement; and I ſaid, you ſhall not have that property; I immediately took him to my own ſide of the way, and this man took ſomething out of his breaſt, which were handkerchiefs; theſe are the handkerchiefs.

JOHN PRITCHARD *ſworn.*

There was a *body* of people coming along, I ſaw them ſtop, and heard the proſecutor's

window ſmaſh in; I ſaw Serle take hold of the priſoner, and I ſaw the priſoner drop theſe three handkerchiefs from him, and I ſaw Serle take the other two handkerchiefs from the priſoner's coat.

PRISONER's DEFENCE.

He ſaid, when his wife lay-in, he loſt a quantity of wet linen; and he ſaid, if my life would pay for it, he would ſwear it away; I was coming along, there were forty or fifty people, I thought there was a houſe on fire; I kicked theſe handkerchiefs before me, and a gentleman knocked me down; I did not think that any pane of glaſs was broke. I have no witneſſes.

GUILTY

Of ſtealing to the value of 4s. 10d.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron PERRYN.

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383. PHILIP INWOOD and WILLIAM CLARK were indicted for feloniouſly ſtealing on the 11th day of January laſt, twenty pounds weight of beef, value 6s. and ſixty-three pounds weight of fat, value 5s. the property of Thomas Clayton.

RICHARD SCARGILL *ſworn.*

About half after eight on Wedneſday morning the 11th of January, I found the proſecutor's ſlaughter-houſe door broke open, and the padlock within ſide, I found the beef cut, and the fat gone, which had been there the night before; about twenty pounds of beef was gone.

THOMAS CARPMEAL *ſworn.*

We went to the houſe of Lucas who has been convicted here the other day, and the two priſoners came in, we ſearched them, and found a picklock key on them, it was tried I underſtand; the fat and meat were in Lucas's houſe.

THOMAS GREEN *ſworn.*

Was with Carpmeal, and depoſed to the ſame effect.

PRISONERS DEFENCE.

We went to enquire for an acquaintance.

BOTH NOT GUILTY.

Court to Priſoners. I give you both a caution, to be very careful of your conduct, you appear in a very ſuſpicious light, the officers of juſtice will keep an eye upon you.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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384. THOMAS PROSSER and WILLIAM WRAY were indicted for feloniouſly ſtealing on the 29th day of January laſt, four iron rails, value 5s. belonging to John Spence and Morgan Hugh Kennedy, then and there fixed to their dwelling houſes, againſt the form of the ſtatute.

A ſecond Count, For that they, on the ſaid day, one iron bar, value 3s. and three iron rails, value 7s. belonging to the ſaid John and Morgan Hugh, did feloniouſly break with intent to ſteal.

The priſoners were taken near the premiſes, and had been ſeen walking backwards and forwards by the watchmen, and the rails were taken down ready to be carried away.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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385. THOMAS HAMILTON and SIMON GORING were indicted for feloniouſly ſtealing on the 19th day of January laſt, two live hogs, price 4l. the property of John Thompſon.

JOHN

JOHN THOMPSON *ſworn.*

I keep the Pied Bull, Iſlington, on the 19th of January I loſt two hogs, black and white; they were ſtopped at Greenwich, I knew them directly.

THOMAS OWEN *ſworn.*

I work with the proſecutor, I know the hogs, the ſow I knew by the white on her back, and the barrow pig by the white on each ſide the ſhoulders; I remember their being loſt, I ſaw them at Greenwich.

WILLIAM HARRISON *ſworn.*

On the 20th of January laſt, between ſeven and eight, the priſoner Hamilton came to our houſe alone, and aſked me to go down and buy two pigs; and the other priſoner was at the public houſe with the pigs; Hamilton aſked me forty-five ſhillings for the two; I told him I would have them, and Hamilton drove them about three parts of the way home; the other priſoner was there, but he did not make any bargain about them; Hamilton ſaid, it did not ſignify where he got them, I ſhould not come into any trouble; they both ſaid they were their own property; I put them into my fore yard, and ſent for a conſtable.

RICHARD JAMES *ſworn.*

I took the priſoners into cuſtody, they both ſaid they were their own property; before the magiſtrate Hamilton ſaid they were the property of the proſecutor; there was no promiſe or threat, but it was a fair open confeſſion.

The priſoner Hamilton called four witneſſes to his character.

The priſoner Goring called five witneſſes to his character.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

386. WILLIAM GRINDLEY was indicted for feloniouſly ſtealing on the 28th day of January laſt, one carcaſe of a pig, price 15s. the property of Elizabeth King, privily in her ſhop.

The witneſſes examined apart at the requeſt of the priſoner.

ROBERT PREVOST *ſworn.*

I live at No. 21, Warwick-lane; I ſell the goods of Mrs. King, as clerk and ſaleſman; ſhe is a wholeſale carcaſe butcher, ſhe deals in country meat. On Friday the 28th of January, I ſold this pig which the priſoner is indicted for, to a perſon that keeps a cook's ſhop in Fetter-lane; it was a particularly poor pig.

Court. Was it paid for?——No; I do not ſuppoſe there was ſuch another pig to be found in the market; I do not know how many pigs Mrs. King had in her ſhop; I obſerved it as ſoon as the man who bought it aſked the price of it; it was what they call *a beat out pig*, it was brown and very thin; the bones were ſlit very even; I ſuſpected the priſoner, having ſeen him walk by the ſhop that morning, and when I loſt the pig, I ſaid, I remember that red-headed man went by; I went to the priſoner's houſe, I afterwards ſaw the pig at Clerkenwell; I was ſure it was the ſame by the cleaving of the bones and the ſkin; the priſoner ſeemed very much agitated, and begged of me to let him go, and he would never do ſo again; I told him we had loſt ſeveral; he ſaid, he would not mind paying for all the pigs we had loſt; and before the Juſtice, he owned the fact; he ſaid it was the firſt thing that ever he did; he was taken up on the Friday; but at a further examination on the Monday, he did not own it; but ſaid he bought it of a countryman.

Court. What words did he uſe the firſt time?——He ſaid, pleaſe your worſhip, I did take this pig, but I never did any thing before.

Priſoner. I told them the pig they took from me, was *a caſualty pig*; I did not know they

they took me for thieving; I thought they took me for a caſualty.

Court. Are you very ſure he ſaid he took the pig?—I am very ſure.

What is the value of the pig?——It was ſold for fifteen ſhillings and two-pence, that is the worth of it.

JOHN HAYWARD *ſworn.*

The morning this pig was ſtolen, I took it out of a cloth, and hung it up at the door; it was a remarkable brown ſkin pig, dark in fleſh; it was not cleaved down as it ſhould be, and the bones of it were yellow; it was a very remarkable pig, I never ſaw one like it, though I have ſeen many thouſands; I went out and left nobody in the ſhop; and while I was gone the pig was gone; I went with Prevoſt to the priſoner's houſe, in Pear-tree Court, Clerkenwell, and he was cutting up the pig; I looked through the window, and ſaw him cutting up the pig, and I made an expreſſion that was not fit to be heard, and I ſaid this is the pig; and he ſaid, Lord have mercy upon me, what have I done! he then offered me a guinea to let him off; he would give me any thing; I told him it was not in my power; I left my fellow ſervant with him, and went home; I examined the pig, I am ſure it is the ſame, though one ſide was cut, the other ſide was quartered, and I took a quarter of it from behind the bedſtead; I was preſent when he went before the Juſtice, and he there owned he took the pig from the ſhop of the widow King, and begged for mercy; on the Monday, he ſaid he bought the pig for nine ſhillings.

—— SIMONS *ſworn.*

I am a butcher, my fellow ſervant and I went out with a ſide of beef, we firſt put the pig into the ſhop, and laid it on a hamper, this was about half paſt eight in the morning; while we were gone, the pig was gone, and we looked for it; it was a pig very dark in the fleſh, and rough ſkinned, and poor; I could diſtinguiſh it; I went after it was loſt, with my fellow ſervant to the priſoner's houſe, and found him cutting it up, he had the chopper in his hand; he was left in my cuſtody, and before the Juſtice, on the Friday he owned to it, and on the Monday he ſaid he bought it of a man at the Bell Inn.

Priſoner. Aſk that witneſs my character?——He worked with me two or three winters in the Victualling Office, and behaved very well.

PRISONER's DEFENCE.

My Lord, I had been to the Bell, in Newgate-market, to get part of a pint of purl, with an acquaintance of my brother's; and coming through the paſſage, I perceived a man, ſeemingly a country farmer, with this pig on a bit of ſtraw; I perceived it was not a clear killed pig; I aſked him if he had been buying that pig, thinking he had been wronged in it, he ſaid it was a caſualty, and was returned on his hands, I aſked him what he would ſell it for, he ſaid ſixteen ſhillings, I bid him fourteen ſhillings, and bought it for fourteen ſhillings and ſix-pence; the perſon that drank with me, was by when I paid for it, I gave him half a guinea in gold, and four ſhillings in ſilver, his name is James Whier; I dare ſay he is at hand, and others to give me a character.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Grindley.

JAMES WHIER *ſworn.*

I live in Alderſgate-ſtreet, I am a bricklayer by trade.

Court. Do you keep a houſe?——No, I only keep a room.

Who do you work with now?—I did work for Mr. Gray laſt, in Wilderneſs-row: on Friday laſt was a month, the 28th of January, I believe it was; I was at Cheapſide looking for a job, coming back from there, in Newgate-ſtreet, between ſeven and eight, I ſaw the priſoner talking to a bricklayer's labourer; I aſked him after his brother, who worked with me, I told him I was going to Warwick Lane, he ſaid he was going to Newgate-market; I went along with him, we went into the Bell, and had a pint of purl, coming out of the Bell he and I together, and I was going away, we ſaw a country-man with ſome pork, and a baſket; he ſays to me, ſays he, that is caſualty pork, which I never knew what caſualty pork was before.

What do you mean by caſualty pork?—I do not know, it was very poor pork, *and the rind on the outſide of it was quite red*, it ſeemed as if it died; he aſked the man if he had bought it, the man made anſwer no, he had brought it to town for ſale; he aſked him what he would have for it, and he would buy it, accordingly he aſked him ſixteen ſhillings for it, he offered him fourteen ſhillings; after ſome words, he bought the pig for fourteen ſhillings and ſix-pence, and paid the money, half a guinea, and the remainder in ſilver; the pork he and the man took out of the baſket, and put on his ſhoulder, *it was in four quarters*, and he took it away; I ſaw no more of him till his brother found me out.

Deſcribe the pork that he bought particularly?—The rind of it, the outſide ſkin of it, was *red as blood*.

Was it rather a fattiſh pig?—No, a very poor pig, *it was in four quarters*.

Do you know where he lives?——I do now, I did not then; I did not ſee it weighed.

Court to Simons. When you ſaw the pork at this man's houſe, deſcribe in what condition it was?——There was one ſide in two quarters, and he was cutting up the other in different joints.

Court to Haywood. In what condition did you find this pig?——One ſide was cut up more like mutton, the other ſide was in quarters,

quarters, and one quarter I took from behind the bed.

The priſoner called another witneſs who gave him a good character.

GUILTY

Of ſtealing to the value of 4s. 10d.

To be whipped round Newgate Market.

Tried by the London Jury before Mr. ROSE.

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387. ALEXANDER FISHER and WILLIAM MOUNTAIN were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Thomas, about the hour of ſeven in the night, on the 23d day of February, and burglariouſly ſtealing therein, one cloth coat, value 7s. one cloth waiſtcoat, value 2s. two woollen blankets, value 7s. two pillows, value 2s. three pillow caſes, value 1s. 6d. one linen ſhift, value 1s. two ſheets, value 1s. one mahogany tea cheſt, value 4s. three canniſters, value 3s. one linen and woollen quilt, value 2s. three linen caps, value 1s. one cotton handkerchief, value 4d. fourteen ſilk thrums, value 4s. two pair of ſleeves, value 6d. one pair of gloves, value 1d. four clouts, value 10d. one linen towel, value 2d. one paper ſnuff box, value 2d. one pair of ſilver ſleeve buttons, value 18d. one ſilver breaſt buckle, value 6d. one box, value 2s. and a piece of ſilk, value 3s. his property.

JOHN THOMAS *ſworn.*

I live in St. John-ſtreet, Bethnall Green, I rent half a houſe, and live in it; on the 23d of February laſt, I was robbed; I went out at two, and left my wife and family at home; about ſeven o'clock my wife ſent to me, and I came home, and found the lock was broke off the kitchen door, and the ſtreet door was forced open; I live in the lower apartments, a family has the other two ſtories: the priſoner Mountain was brought to my houſe about eight the ſame evening.

MARY THOMAS *ſworn.*

I am wife of the laſt witneſs; on the 23d of February, I went out about ſeven minutes after five.

Was it then dark?—No; I left the door on the latch; I came home a little before ſeven, and found the ſtreet door wide open, and the kitchen door wide open, and my property gone; the lock of the ſtreet door was forced open from without, my property was brought back to me.

JAMES MATTHEWS *ſworn.*

I am a beadle of St. Mary, Whitechapel, on the 23d of February, I was going about to deliver my precepts, for our headboroughs to go to Hicks's-hall, and in Three-tun-alley, Whitechapel, juſt after ſeven, I ſaw the two priſoners and another boy; I never ſaw the priſoners before, one had a box and the other a bag, I think it was Mountain, and Fiſher I think to the beſt of my knowledge, had a large bundle upon his head; this was half a mile from the proſecutor's: they both ſaid a man employed them to take thoſe things to Mrs. Cook's, and was to give them ſix-pence a piece; they could not tell me where they brought them from, but ſaid they would ſhew me, I took them to the watch-houſe, and Mountain took me to the proſecutor's houſe, and they were in great confuſion; I left the other boy locked up at the watch-houſe; the proſecutor came and ſwore to the property, I have had it ever ſince; they ſaid two men employed them to carry the things, but they ſhould not know them.

(The things depoſed to.)

CHARLES EARLE *ſworn.*

I am another beadle; Mathews brought in the priſoners, and I went with him to the proſecutor's houſe, and found it as he has told you.

PRI-

PRISONER FISHER's DEFENCE.

To tell you the plain truth, I was going to my grandfather's, and two men offered us ſix-pence to carry theſe things, I did not know them but by their dreſs.

BOTH GUILTY

Of ſtealing, but not of breaking and entering the dwelling houſe.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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388. ROBERT FRANKLIN was indicted for feloniouſly ſtealing, on the 19th day of February, one ſaddle, value 10s. and three bridles, value 10s. the property of John Gretton, Eſq.

And JAMES BUSHNELL and WILLIAM JACKNELL were indicted for feloniouſly receiving, on the ſame day, the aforeſaid goods, knowing them to have been ſtolen.

JOHN GRETTON, Eſq; *ſworn.*

I live at Whitehall, but my ſtables are in the pariſh of St. James's; the priſoner Franklin had the care of my horſes, my ſervant was gone, and he had offered himſelf; and on Monday the 21ſt of February, the priſoner Franklin came to my houſe, and told me that he had taken the liberty of lending my beſt ſaddle, and my beſt ſilver bridle: he ſaid *bridle* in the ſingular number; he ſaid he had lent it to a friend, and that they had been ſtopped by the officers of the city; that his friend was in the Poultry Compter, and that if I would write a letter to my Lord Mayor, or go to him and claim my bridle and my ſaddle, ſaying that I permitted him to lend it, they would be reſtored to me: he had the care of the ſtables, and the key, I told him he had taken a very great liberty indeed: upon enquiring I found three bridles were gone; the next day I went before the ſitting Alderman, and he came there to ſay he had lent the bridle, and he was examined and committed, and the other two priſoners as receivers.

THOMAS BOND *ſworn.*

I am a watchman of Duke's Place, a gentleman informed me, he ſuſpected three men, and I went with him, and met the priſoner Jacknell with a bag on his ſhoulder; I took him to the watch-houſe, he ſaid he came from Mr. Clarke's, at Shoreditch; there were three bridles and one ſaddle in the bag, Levy had the care of them.

DAVID LEVY *ſworn.*

The priſoner was brought in with a bag, I aſked him what was in it, he ſaid a ſaddle and three bridles, that came from Mr. Clarke's, at Shoreditch Church, but he would not give me a direction where, though I offered to ſend; I took him to the Compter, and going along, the priſoner Buſhnell came running up, ſays he, I have a key of the ſtable in my pocket, and he ſhewed me a key, and ſaid I gave him the things.

WILLIAM LOVE *ſworn.*

I am a weaver, No. 15, Addle-ſtreet; on Saturday the 19th of February, about a quarter paſt ten at night, I was coming down Houndſditch, and the corner of the ſtreet leading to Duke's-Place, I ſaw three men, two of them are at the bar now, Buſhell and Jacknell; Jacknell had a ſack on his ſhoulder, with a ſaddle and bridle; they both made a ſtop, as if they were not determined which way to go; they ſpoke together, but I was not nigh enough to hear; the ſack was not changed from one to the other while I ſaw them; Buſhnell, I believe, went to Duke's-Place, I ſaw no more of him; I went and told the watchman; and we went and took Jacknell and the ſack to the watch-houſe; the other was twenty yards before, when I firſt ſaw them; but whether it was Buſhnell or no, I cannot ſay; Jacknell ſaid at the watch-houſe, he had the

the things from Mr. Clarke, at Shoreditch Church; I told him it would be very hard he ſhould be detained till Monday; I would give a man a ſhilling to go to Mr. Clarke's, and if they were his, he ſhould be diſcharged; he ſaid, no, I ſhould not, he would ſtay there; about ten minutes after Buſhnell came in, and ſaid, he was come to releaſe him; he took a key out of his pocket, and ſaid it was the key of the ſtable; and he was detained.

PRISONER JACKNELL'S DEFENCE.

I had been at Mr. Clarke's, but not with that bridle and ſaddle; and I was going home, and I met Buſhnell, he ſaid he was going to the Turk's-Head in Whitechapel, with ſome things; he aſked me to go home with him, and we would go home together; we live facing one another, in Rupert-ſtreet; and I turned round, and walked with him, and he aſked me to carry them a little for him, ſo I took them on my back, and I ſtopped to make water in Butcher-row, and he walked on before me about twenty yards, and the watchman came and ſtopped me, I called to him; I ſaid, if they choſe to ſend to Rupert-ſtreet, they might find where we lived.

Court to Bond. Did he ſay any thing about Rupert-ſtreet, do you remember?—He mentioned ſomething about Rupert-ſtreet in the watch-houſe, but I did not ſtop to hear it; I am ſure he ſaid he came from one Mr. Clarke's at Shoreditch.

Levy. He told me he came from Shoreditch, from one Mr. Clarke's; I aſked him where he was going; he ſaid to Rupert-ſtreet; I told him, it was a very comical way to go.

PRISONER BUSHNELL'S DEFENCE.

Franklin lives in the ſame yard I do, he looks after Mr. Gretton's ſtables; I aſked him to lend me three ſaddles and three bridles; he ſaid he could not, but he would lend me one ſaddle, and as many bridles as he could ſpare; I wanted them for a friend going to Windſor; I met Jacknell at Shoreditch, and aſked him to go with me; I have often lent Counſellor Gretton things, both ſtraw and hay, and every thing elſe.

PRISONER FRANKLIN'S DEFENCE.

Mr. Gretton hired me to look after his horſes, and bid his ſervant deliver me the key; and Buſhnell aſked me to lend him three ſaddles and three bridles, I lent him one ſaddle and three bridles.

Court to Proſecutor. Had you given him any orders about this ſaddle and bridles?——None at all, it is a ſaddle on which I generally ride.

ROBERT FRANKLIN,
JAMES BUSHNELL,
WILLIAM JACKNELL, } GUILTY.

To be each confined to hard labour two years in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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389. ELIZABETH STACEY was indicted for feloniouſly ſtealing on the 18th of January laſt, ten yards of worked muſlin, value 6l. a linen jacket, value 2s. a linen petticoat, value 2s. a linen apron, value 1s. a pair of cotton ſtockings, value 10d. the property of Leonard Sharp, in the dwelling houſe of John Maddocks.

JUDITH SHARP *ſworn.*

I lodge in the houſe of John Maddocks; I employed the priſoner to waſh for me a piece of worked muſlin; ſhe lived five weeks with me, and I was very ill, and my huſband took her to nurſe me; and I told the priſoner to ſeek for a place; I loſt this piece of muſlin, the value is ſix pounds, the linen draper told me I muſt pay for it if I loſt any thing; I work in tambour, and open work; I gave the priſoner leave

to ſleep with one of my girls; I had the muſlin and the jacket on Monday night; the linen jacket is worth five ſhillings, that is the loweſt; the linen petticoat was waſhed the ſame night, I left her in the work room, I did not ſee the things again; I got up at ſix o'clock, and found the room open, and the things gone; I ſaw a pair of my ſtockings on the priſoner's legs when ſhe was taken into cuſtody; I had put ſoles to them, I can ſwear to the ſtockings, from their marks; I ſaw the things eight days afterwards; ſhe never came back to the hour; I never found any more of my property.

CORNELIA HOPE EDWARDS *ſworn.*

I am fourteen; the priſoner was in our houſe on Monday evening, and this muſlin was wet, and ſhe put it in a pan, to iron it; I laſt ſaw her at five o'clock on Tueſday morning, I did not ſee her afterwards; I went to bed, ſhe never came near the bed, any farther than to help me to make it; ſhe was to ſleep with me at night; my miſtreſs gave her leave to ſleep with me; ſhe ſat up to iron, I went to bed directly, ſhe ſaid ſhe would come at leaſt in an hour after me, but ſhe did not come.

Did you miſs your things in the morning?——Yes.

Did you ever ſee her afterwards in the houſe?——No, Sir, not till ſhe was taken up; ſhe went away on the 18th, and was taken up on the 26th; I ſaw her before the magiſtrate, and there was a pair of my miſtreſs's ſtockings upon her; the ſtockings were ſoled with a ſort of thick cloth, called Ruſſia.

—— LEE *ſworn.*

I apprehended the priſoner, to the beſt of my knowledge it was on the 26th of January at night; I took her from the Blue Poſts; I did not ſee her before; I did not examine her till I brought her to the Rotation-office; I took her ſtockings off by the Magiſtrate's order; which Mrs. Sharp ſaid were hers; ſhe never was out of my ſight all the way, till we came to the office, and there Mrs. Sharp deſired to look at her ſtockings; nothing elſe was found upon her; Mrs. Sharp has forgot to tell you, ſhe went through the back room into the girls room, and took the jacket off the bed.

Mrs. Sharp. I ſaw her in the bed room that evening.

Did you owe her any wages?——Only three ſhillings.

PRISONER's DEFENCE.

I was with the proſecutrix when ſhe was ill, and I ſtaid with her five weeks; they owed me ſeven ſhillings and ſix pence, and he gave me three ſhillings and ſix pence; he ſaid I muſt go away, he had too many to keep already; I went away and ſhe ſent for me to waſh; I did not know what to do, I was very much diſtreſſed, and was obliged to ſtay all night; there are many girls work for her, and they are girls of the town.

Court to Proſecutrix. Did ſhe apply for her wages that night?——Yes; ſhe ſaid ſhe would lay in bed till I came from the linen-draper's, and got the money.

The priſoner called one witneſs to her character.

GUILTY

Of ſtealing to the value of 10*d.*

To be confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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390. ANN MOTT was indicted for feloniouſly ſtealing on the 15th of February, one piece of linen cloth, value 15s. the property of Joſeph Capps, privily in his ſhop.

JOHN

JOHN HARDY *ſworn.*

I am a ſervant to Mr. Capps of Mary-le-bon; on the 15th of February, in the afternoon, the priſoner came to our ſhop, before candles were lighted, between three and five; ſhe aſked for ſomething, I do not know what; and I ſaw her at the counter, looking at ſome articles; I thought there was ſomething ſuſpicious in her manner, ſhe ſeemed as if ſhe did not want to buy, and pulling the cloths about; I ſaw her looking at a piece of linen cloth, I was waiting on other cuſtomers; as ſoon as ſhe went out of the ſhop, I looked at the pieces of cloth that had been laying there, and found one of them miſſing; I immediately jumped over the counter, ſhe had got a few paces from the ſhop, and I took hold of her, and lifted up her arm, and took this piece of cloth from under her cloak; I have had the piece of cloth ever ſince, it is marked C. E.

Did you ſee the piece under her arm before ſhe got out of the ſhop?——No; as ſhe was going out of the ſhop, I got over with intent to ſtop her; I am perfectly ſure ſhe took the piece of cloth at that time; I am not perfectly ſure how many pieces there were, but there were either four or five; I meaſured the cloth, it meaſured ſeventeen yards and an half; the value is fifteen ſhillings; it is the property of Mr. Capps.

JOSEPH SIMMONDS *ſworn.*

The priſoner came into the ſhop, and was in it about two hours; ſhe aſked for ſome Iriſh cloth; I never ſaw her before.

How happened it that in two hours time ſhe was not ſerved?——We were ſo buſy we could not ſerve her; ſhe ſtood near that counter where the things were miſſing; I ſhewed her ſome cloth, ſhe made a great many words before ſhe bought; and I ſhewed her five or ſix different pieces of Iriſh cloth; at laſt ſhe bought ſeven yards at fourteen-pence a yard, it came to eight ſhillings and two-pence, I remember perfectly well; ſhe paid for it in my ſight, to my maſter; I put all off the counter, except two pieces, the one ſhe had the cloth off and another; I went to ſpeak to another cuſtomer, and then ſhe was gone out, and the other piece was miſſing: I know I left two pieces when I went to ſerve the other cuſtomers; I came back in a minute, and one piece was miſſing; I could not tell the mark then, I knew it afterwards; I told my fellow ſervant, and ſome ladies who ſtood at the counter moved to ſee if it was dropped down, but we could not find it; then my fellow ſervant jumped over the counter and went after the priſoner; and I ran out, and ſaw a piece of cloth taken from under her cloak; it was marked C. E. I can ſwear to the mark; I had ſhewn her that piece, with that mark before in the ſhop, and the piece I cut for her is marked C. M. it makes juſt two-pence a yard difference; we did not examine her any farther.

What became of the cloth ſhe bought and paid for?——She took it out with her, and when ſhe was brought back, I ſaw her lay it on the counter in a paper; I cannot tell the meaſure of the piece ſhe took, it has been cut; I do not know the value of it.

PRISONER's DEFENCE.

I did not know I had any other than what I bought and paid for; I was only one ſtep down at the door, and they laid hold of me, and I told them I did not know I had any more than I bought and paid for.

Court to Hardy. Which way was ſhe going?——She was turning I believe to the right, that was from the ſhop.

Was the cloth looſe under her arm?——Yes; I enquired about her neighbourhood, and they gave her an exceeding good character.

The priſoner called five witneſſes who gave her a very good character.

GUILTY, Death.

She was humbly recommended to mercy by the proſecutor.

N. B.

N. B. When ſentence was paſſed on the capital convicts, this priſoner pleaded in ſtay of execution that ſhe was with child, upon which a jury of matrons was impannelled, who returned with a verdict, that ſhe was not quick with child.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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391. THOMAS GRAY was indicted for feloniouſly ſtealing, on the 24th day of February, twenty-ſeven pair of worſted ſtockings, value 30s. ſeven pair of cotton ſtockings, value 7s. one pair of thread ſtockings, value 12d. one pair of ſilk and worſted, value 12d. two pair of mitts, value 12d. four ſhawls, value 8s. three ſilk handkerchiefs, value 12s. one pair of buckles, value 12d. four pair of other buckles, value 2s. ſix pair of children's baſe metal ſhoe buckles, value 2s. three pair of garter's value 6d. the property of Janet Atkinſon.

ROBERT ASKEW *ſworn.*

I am a conſtable; on Thurſday the 24th of February, between ſix and ſeven in the evening, oppoſite my houſe, I obſerved the priſoner and two girls watching the window of a hoſier and hatter's; and the priſoner ſtooped down under the ſaſh, and put one foot into the ſhop, and reached with his right arm round the half door on the hoſiery ſide, and took up a bundle and ran out, I jumped acroſs the way, and ſeized him with this bundle in his hand; I told him he had robbed my neighbour, his anſwer to me was, you lie, you thief, I did not mean to rob the ſhop, this is the bundle.

(Produced and depoſed to by the Proſecutor.)

JOHN PASSON *ſworn.*

I live in Tothill-ſtreet, I am a hoſier and haberdaſher; I was not at home at the firſt of this affair, when I returned the priſoner was in the ſhop and the proſecutrix, ſhe had a bundle with her.

GEORGE WAGGRIDGE *ſworn.*

I am a broker, on the 24th of February laſt, I was going up Tothill-ſtreet, between ſix and ſeven, I ſaw the priſoner and two girls ſtanding near this ſhop, and I ſaw the priſoner ſtoop down with his head lower than the glaſs of the door, and put his hand round the door and reach ſomething, but I could not tell what it was; and I ſaw Mr. Aſkew croſs the way to take the priſoner, I went to aſſiſt him, and I ſaw theſe garters in the priſoner's hand, and Mr. Aſkew puſhed him headforemoſt into the ſhop, I ſaw this bundle dropped on the ſill of the door; the priſoner was committed.

PRISONER's DEFENCE.

Sir, I have a couple of people that are ſtrangers to me, that are witneſſes in my favour; and my ſiſter was at a public houſe, at the Horſe-ferry, and theſe two people happened to be by, and ſaw the whole affair.

ROBERT ARMSTRONG *ſworn.*

I am a ſawyer, a journeyman, I am a houſe-keeper in the Horſe-ferry, Weſtminſter; I was coming home after I left work about ſeven in the evening, there I ſaw the priſoner looking in at the window of a hoſier and hatter's; and my mate ſaid, look at Gray, he is looking in there, what is he doing? he ſtaid there about a minute and an half, or two minutes, and there came a man right facing me, it was the ſame ſide of the way facing me, but at a diſtance from me; I was of the ſame ſide of the way with the priſoner, a man puſhed the priſoner in, he was very nigh the door, and ſaid, you villain or ſomething to that purpoſe, you was going to take the woman's bundle; but I never ſaw him offer to take or touch anything at all.

Was you in ſuch a ſituation that you could ſee him touch any thing or not?—Yes.

Could you ſee him when he was in the houſe?——I could.

Was he ſtooping at all?——No, he never ſtooped at all, not to my ſight.

Was the whole door open?——Yes.

Are both ſides of the ſhop alike?—I believe they are, I did not go into the houſe.

Where-

Whereabouts did you ſtand?—Rather on one ſide, and the man that beckoned to me was on the other ſide.

How far is the door from the window?—It joins in the middle; I ſaw him through the door way.

Do you ſwear he took nothing?—Upon my oath, when he was puſhed in, I ſaw nothing about him.

After he was puſhed in did you?—No, I did not, I muſt have ſeen it if there had been any ſuch thing.

Who brought you here?——The priſoner's ſiſter; ſhe happened to come into the houſe where I lodged laſt Sunday.

Who do you work for?——For Mr. Luward at Pimlico, a cooper.

Did you know the priſoner before?——Yes.

Were there any other people about the door, but this gentleman that puſhed him in?——Not juſt at that time, but directly after.

How happens it you did not ſtop then?——My curioſity never leads me into ſuch affairs as thoſe; his ſiſter came to the public houſe accidentally, the ſign of the White Hart in the Horſe-Ferry, and ſhe was talking to the landlord about her brother being detained for a ſuppoſed robbery; and he ſaid there were two men that lodged in his houſe that ſaw it; and ſhe deſired we would come down.

What brought her to the public houſe?——I cannot tell.

Court to Aſkew. Did you ſee this man there?——I did, but not till more than four minutes after I had the priſoner in the ſhop; I only obſerved two girls and the priſoner about; but after this man, and ſeveral more ſtood at the door, and the people declared they would reſcue this man from the ſhop; I do not recollect his ſaying any thing; the priſoner was not quite without the ſhop, but he had the bundle in his arms, and I forced him into the ſhop, and held him there: at the time he was before the Juſtice, he aſked me why I did not permit him to come out of the ſhop with the property, *that that muſt have done him,* and he ſhould not then have returned from whence he came, for he would rather be hanged than return from whence he came.

Court to Armſtrong. How long have you known the priſoner?——Only ſeen him come into a public houſe, no acquaintance at all.

JAMES MILLS *ſworn.*

I am a journeyman ſawyer, I work with Robert Armſtrong as a mate.

Does he know any thing of the coopering buſineſs?——Yes.

Has he ever worked in that way?—Yes, Sir, with me, in ſawing ſtaves: coming from work on Wedneſday evening—

How do you know it was Wedneſday?——I think it was.

Can you be ſure of that?—Yes.

For whom had you worked in the coopering way?——Mr. Luwar, Pimlico.

Do you work for him now;——Yes; as we were coming from work, about a quarter to ſeven, coming down this ſtreet, I ſaid to my mate, there is Thomas Gray, he is drunk enough, he is ſtanding; I ſaid, let us ſtop and ſee what he is doing of; he was a ſtranger to me, but I have ſeen him come in and out of the public houſe where I live; I never ſpoke to him.

How came you to think he was drunk?——Becauſe he looked as if he was drunk.

Whereabouts did you ſee him firſt?——In Tothill-ſtreet; and he ſtopped and looked, and there was a young man that ſtood and beckoned with his hand, we were at the next door almoſt, and he ſtood cloſe to the door; we ſtood a little while, and a man ruſhed in upon him, and puſhed him into the houſe.

You ſtood on the other ſide of the window?——Yes.

Then you could not ſee what was done in the houſe?——No, the priſoner was not in the houſe, I ſaw him ſtand at the door, and a man ſhoved him in, and ſaid, you raſcal, are you going to ſteal the woman's bundle.

Was any part of his body in the houſe before he was ſhoved in?——There might

be one foot in, he was rather leaning a little.

Court to Askew. Did you see this Mills there?——No.

——GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. ROSE.

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392. WALTER GROVES and ROBERT WELCH were indicted for feloniously stealing, on the 29th day of January last, three hempen sacks, value 6s. and twelve bushels of oats, value 30s. the property of James Brown and John Bovill.

And WILLIAM PARIS and THOMAS WILD were indicted for feloniously receiving the same, on the said 29th of January last, knowing them to have been stolen.

(Mr. Garrow opened the Case.)

Mr. Silvester Council for Groves.
Mr. James Council for Welch.
Mr. Chetwood Council for Wild.
Mr. Silvester and Mr. Peatt Council for Paris.

The witnesses examined apart, at the request of the Prisoner's Council.

JOHN FAREY *sworn.*

I am clerk to Mr. Brown and Bovill, in Milford Lane; I remember on the 29th of January, landing out fifteen quarters of oats, for the second troop of horse-guards, by Aaron Jones the carman, who is one of the parties indicted, though he is not in custody; it was to go to a stable near Portman Square: there were fifteen quarters in Jones's cart, William Lofton likewise had fifteen quarters, ten for the troop, and five for Squire Fellows's in Grosvenor Street.

Who was Groves?——I do not perfectly recollect him, he was the person that went with the cart as a trouncer, I did not know him nor Welch before.

Court. What is a trouncer?—A person that goes with the cart to help to unload, we have nothing to do with him, the man employs him.

Mr. Garrow. Have you at any time, seen any sacks that you have heard were found any where?——Yes, at the sign of the Cock, in Litchfield-street; they were Brown and Bovill's sacks, marked at full length; one of the sacks is marked Lofton.

Mr. Silvester. All that you know of this business, is that you sent thirty quarters of corn that day by these two carman?——Yes.

What they did with it you do not know? That I cannot say.

They were the persons intrusted by you, or your master, to convey it to the proper places?——Yes.

Your master is a very great dealer?——Yes.

He may have an hundred sacks abroad?——We never lend any sacks, we have no sacks but what we cannot do without.

You look entirely to the carmen to take the corn, and bring back the sacks?—Yes.

Have you known instances of their not bringing back the sacks?——Yes.

Mr. Garrow. On this occasion did either of the carmen pretend they had left them?——No.

Mr. Silvester. They are not here you know.

RICHARD GEARING *sworn.*

Where do you live?—In Newport-market; I know Wild and Paris, Paris lodges at the Boar's Head, in Newport market, and Wild lives at the chandler's shop next door; they are what we call offalmen, to take care of the fat, and wipe the beasts clean, they take care of my beasts: I do not recollect the day of the month, but on a Saturday, I cannot tell the hour; I had been drinking all the afternoon with some friends; I did not observe any thing of those two prisoners, I did not see either of them.

Did

Did you obſerve any thing appear at the Boar's Head, or at the chandler's ſhop?—No, nothing till I came out of the Boar's Head.

Court. You had been drinking there for two or three hours?——Yes, I had, as I came out of the houſe; I ſaw three men, with three ſacks on their backs, and I came away about my buſineſs.

Do you know who the three men were, or either of them?——No, Sir, neither of them.

Mr. Garrow. What ſort of ſacks were they?——I did not take any particular notice.

But you can tell me whether they were coal ſacks, or corn ſacks?——They were not black ſacks.

I believe you gave an information to Mr. Roberts?—No Sir, I did not.

Court. What was done with thoſe three ſacks?——I do not know, they were carrying them as I ſuppoſe, they were about ten yards off. when I ſaw them, going towards the ſhop.

Had not you the curioſity to look and ſee where they went?—No, I was ſent for over in a hurry to a cuſtomer, I cannot be ſure whether they went into the houſe or not.

Mr. Garrow. You know Mr. Roberts?——I have ſerved him with meat.

Do you remember any converſation with him that night, about theſe ſacks being carried to the Boar's Head?——I told him I ſaw three men with three ſacks on their backs.

Where did you ſee them?—In the Boar's Head, half an hour after I ſaw the men with the ſacks.

Can carts come up to this Boar's Head?——Yes.

Were there any carts there at the time?——No.

Was you preſent when the apartments of either of the priſoners, Wild or Paris, were ſearched?—No.

Mr. Silveſter. You ſaw three men with three ſacks?—Yes.

Mr. Peatt. If I underſtand you right, you ſay that you ſuppoſe only that they went into the Boar's Head, and that you ſaw them about forty yards from the door?——Yes.

ELLIS ROBERTS *ſworn.*

I live in Archer-ſtreet, St. James's; I belong to the Rotation Office, in Litchfield-ſtreet, I apprehended all the priſoners, on the 29th of January; I took Wild firſt, about eight in the evening, at the Boar's Head, in Newport-market, and I found in the one pair of ſtairs of the Boar's Head, three ſacks of oats.

Are the ſacks here?——Yes.

Court. Did you find thoſe ſacks before you took Wild?——I ſaw them before I took Wild, and then I took him in the tap room, and took him to the Cock Alehouſe; when I took him, I aſked him if he knew any thing about the corn, and he ſaid there were ſome men there, that came in and brought it on their backs, and went up ſtairs with it; I aſked him if he knew the men, and he ſaid he did not, but he deſcribed one man particularly by having a high heeled ſhoe, and he ſaid he came from Milford-lane.

Do you know any body that anſwers that deſcription?—Groves the priſoner has a high heeled ſhoe; Wild offered to go with me, but I ſaid there was no occaſion for him to go, if he would give me a direction; when I took Groves, I took him to the watch-houſe, he denied knowing any thing of it; it was about twelve o'clock: when he was before the Juſtice, he ſaid he was employed by Lofton and Aaron Jones, to aſſiſt them in delivering ſome corn at the Life-guard ſtable, one part, and the other part of it to Juſtice Fellows, in Upper Groſvenor-ſtreet; he ſaid that Lofton was concerned with him in taking and delivering this corn.

What do you ſay, *taking?*—At laſt he did own he carried up a ſack.

Court. Did he ſay he delivered any corn any where elſe?—He ſaid he carried one ſack to the Boar's Head, and Welch another, and Jones the third.

How

How many more did he ſay were carried by any body elſe?——Two more he ſaid were carried there, one by Aaron Jones and the other by Robert Welch.

Mr. Garrow. When did you take the other priſoners?——The Sunday morning following, at twelve o'clock, I took Paris and Groves; I took Paris at the Boar's Head, the Sunday morning following.

What did he ſay?—I told him to come to a public houſe, and he came, I told him he muſt come with me.

Did Paris ſay any thing about the corn?—Neither then nor any time ſince, *(The ſacks produced.)* Theſe are the ſacks that we found at the Boar's Head, there were oats in them: the ſame night I went to Wild's lodgings, I found a ſack of oats up one pair of ſtairs.

How is it marked?—E. Burnell.

Court to Farey. What do you ſay to that mark?——We cannot ſay any thing to it.

Look at the other ſacks, and tell us whether theſe are your maſter's?—The other two are, and that with the L, which is marked for Lofton; we had ſacks for the carmen, and thoſe were for Lofton, but it is a good while ago, and moſt of the ſacks are loſt.

Was there that one remaining on the 29th of January?—No.

Where was the corn emptied out of thoſe ſacks?——When firſt I ſaw the ſacks, the corn was in them, up one pair of ſtairs.

As near as you are able to identify, was it the ſame corn?—Yes.

Mr. Silveſter. It was the ſame kind of grain I fancy; horſes eat oats do not they?—Yes.

Court. Had you a ſample with you when you went?—Mr. Bovill had I believe.

Mr. Silveſter. Does Mr. Bovill grow his own corn?—No.

Mr. Peatt to Roberts. You did not ſee any thing of Paris, on the Saturday evening when you ſaw the corn up ſtairs?——No Sir, I do not know him.

Mr. Silveſter. You would have known nothing of Lofton, if Groves had not told you?—No.

Was the room at the Boar's Head locked?—No.

MARY SELBY *ſworn.*

I keep the Boar's Head, in Newport-market, I know Wild and Paris.

Did either of them lodge at your houſe, on the 29th of January?——William Paris did.

In what part of the houſe?——In the firſt floor; I was not below when they took the corn, it was taken out of Mr. Paris's room; Wild lives at the next door in the firſt floor.

What buſineſs are they?——They are people that bring home meat from market; and are called butchers.

Mr. Peatt. Was Paris at home on Saturday evening?—I heard a diſpute between him and his wife, about his ſtaying out ſo late, it was ten minutes after twelve; there was a very thin wainſcot.

JOHN BOVILL *ſworn.*

I am partner with James Brown, I can ſwear to three of theſe ſacks, that with the diamond and the L is one of them, the reaſon of its being marked with an L, is that we formerly loſt ſo many ſacks, that we made our carmen maſters of the ſacks, and therefore we had them marked with the initial of each carman's name, I believe we had a great many more L's, I dare ſay we have a good many more on the premiſes; I ſaw the corn in the ſack, at the Cock, up one pair of ſtairs; I afterwards compared it with a ſample: I ſaw three ſacks full of oats at the Cock, which I knew to be the ſame oats that we had ſent the preceding night, to the ſecond troop, and to Squire Fellows's; to the beſt of my knowledge they are Eſſex oats, and had a ſprinkling of wheat amongſt them; I afterwards took a ſample out of the bag and compared them, and they were exactly the ſame, if it was poſſible to ſwear to grain I would ſwear to them: Groves formerly lived a carman with

with us, he was diſcharged ſix or ſeven years ago: Paris and Wild I never ſaw till this circumſtance.

Mr. Silveſter. Theſe were Eſſex oats? —Yes.

A great many oats grow in Eſſex?—Yes.

Theſe were not bought at the Corn-market?——Yes, I believe I buy four fifths from Eſſex.

The others are bought by other perſons? —No doubt of it.

The ſame farmer may ſend them to market, and ſome may come to my hands?—That may be the caſe.

You have a great many of theſe ſacks not only at home, but about this great town? —Moſt clearly.

Mr. Garrow. My learned friend has aſked you a good deal about Eſſex oats, becauſe he is an Eſſex farmer; if they ſell him oats from Eſſex, they do not ſend them in your ſacks?—No.

Mr. James. My Lord, I am Council for Welch only, and I ſubmit there is no evidence of his being preſent.

Mr. Silveſter. My Lord, I beg leave to take an objection before the accomplice is admitted to give his evidence: In all felonies two propoſitions muſt be clearly eſtabliſhed; firſt, whether the felony is compleatly made out, and ſecondly, if ſo made out, whether ſuch felony was committed by the priſoner; now I ſubmit the firſt of theſe propoſitions is incomplete, becauſe they have not called the perſons to whom this corn was to have been delivered, in order to prove that it was not actually delivered, for what evidence have the Jury to ſay, that the whole of this corn put into the cart, was not delivered at the Horſe Guards, and to Mr. Fellows; and if it was all delivered, there could be no felony of the corn.

Mr. Garrow. My Lord, Mr. Silveſter is now arguing upon the effect of the evidence, but I beg leave to ſay, that at preſent there is ſufficient ground to let in the evidence of the accomplice to go to a Jury: on the evening of the 29th of January, a certain quantity of a ſpecific quality of corn, was put into the carts of the proſecutors, that ſpecific corn in thoſe very ſacks, is afterwards found in a place, to which it was not ſent by the owners, and to which it could not be carried but wrongfully; I ſay that would be evidence to go to a Jury, and I ſubmit I am entitled to call the accomplice; the Jury will conſider by and by, the weight of all this; but you will ſee that I could not in the nature of things, call witneſſes to prove this delivery, for thoſe whoſe duty it was to ſee it delivered, do not know that it was not delivered; for they were impoſed on by the tale of ſacks correſponding, and believed that the whole quantity was actually delivered.

Mr. Juſtice Gould. I do not conceive that Mr. Silveſter is irregular in obſerving on the evidence now; if there is a felony committed, there is evidence to let in the accomplice; but it would be extremely material to ſhew, that inſtead of the whole being delivered, only ſo many ſacks were delivered: ought not a Jury who are trying people for felony, attended with prodigious conſequences, to ſay that you ſhall furniſh us with ſuch evidence, that they are ſure when they come to pronounce their verdict, that nothing ſhall remain on their conſciences?

Mr. Garrow. Without judging of the effect of the evidence, which is the peculiar province of the Jury; I ſubmit there is a probable ground for the Jury to ſay, a felony has been committed by ſome of the priſoners at the bar; if that is ſo, that is enough to let in the weight of the accomplice, and there are Judges your Lordſhip knows, that would call in the accomplice firſt.

Mr. Silveſter. I always underſtood that there muſt be poſitive evidence of the felony committed, before the accomplice's evidence can be received, and then the Jury will judge of the circumſtances; but there muſt be a felony proved, for how can the Jury firſt preſume a felony, and then preſume a man guilty of that felony.

Mr. Juſtice Gould. My notion of the law concerning an accomplice is, that a man who is not indicted, although a partaker in the guilt, may be a competent witneſs; but it is not fit for the Jury to convict upon ſuch teſtimony, therefore to be ſure the ſtrictneſs of the law is to bring proof of the felony being committed; to be ſure as he is a competent witneſs, you may ſet out with him, but then what will a Judge ſay to the Jury? therefore it is my conſtant courſe of practice, and I know many other Judges that do the ſame, not to call the accomplice firſt; it is a vain thing: and therefore, before you call the accomplice, you are to lay a foundation. In this caſe, the ground of your charge is this, that out of the ſpecific quantity of oats, ſent on Saturday night to the ſecond troop of Horſe Guards, and to Mr. Fellows, three or four ſacks were ſtolen; then does it not preſent itſelf to every man's mind, that the beſt evidence to inform the Court and the Jury upon that occaſion, is to call ſome of thoſe people from the Horſe Guards, and from Mr. Fellows's, to ſhew that there was not in reality the whole of that quantity delivered, but only a certain part of it, and ſome empty ſacks thrown in to make out a tale of ſacks, for ſo it was opened, and I take it for granted, it ſhould be proved; but that is left behind, he does not chuſe to call a witneſs that he has upon that ſubject, becauſe he does not conceive it will anſwer his purpoſe; therefore I ſay, you have not laid that evidence before the Court and Jury, which would have proved a felony to have been committed, for as it now ſtands, theſe men might have had theſe three buſhels, and ſacks of oats by other means: Mr. Roſe is of the ſame opinion with me, therefore, I think for want of that evidence which is neceſſary to make the felony complete, the accomplice cannot be received, and the priſoners muſt be acquitted.

ALL FOUR NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

393. WILLIAM PRICE was indicted for feloniouſly ſtealing on the 7th of January laſt, four hundred iron hoops, weight 1300lb. value 10l. the property of Jukes Coulſon, William Harriman, and Benjamin Bates.

WILLIAM HARRIMAN *ſworn.*

I am one of the partners in the houſe of Coulſon and Bates; on the 7th of January, we ſent a parcel of iron hoops, they were landed into our open barge, the wharf is three yards from the houſe belonging to the partnerſhip, there were five ton landed that day; the next day a perſon came and gave us ſome hints; we knew there was a deficiency by weighing the hoops, we weighed them about two or three days afterwards; they were a particular kind of hoops, we never ſaw them after; I cannot ſwear there was any mark on them.

WILLIAM LIGHT *ſworn.*

I am clerk to the proſecutors; I ſaw theſe hoops landed, they were called but hoops; they weighed 5 tons 11 cwt. and 10lb; the priſoner told me the weight, he and another man weighed them, and they were placed in the warehouſe; on the information of an embezzlement, they were re-weighed; on the 13th of January at noon, the priſoner went from his buſineſs, but till then he came to work as uſual.

Mr. Garrow, Priſoner's Council. Did you ſee them re-weighed?——No.

As to their firſt weight, you only knew from the information of the priſoner?——No.

He might have ſet it down at a leſs weight than it actually bore?——Yes.

He might likewiſe have made a miſtake?——It is poſſible.

Is the other man here that weighed them?——No.

The priſoner might alſo have made a miſtake in weighing out?——Yes.

He might have ſent more than the order intended he ſhould ſend?——Yes.

Court. Did the priſoner demand his wages

wages before he went away?—No, I only owed him from Saturday the 8th to the 13th.

JOSEPH FOSTER *ſworn.*

On Friday the 7th of January laſt, I was at Mr. Parke's warehouſe, and I ſaw the priſoner and another man move ſome hoops from Mr. Parke's warehouſe, I knew the priſoner before; a little while after I ſaw William Dale, a waterman, come up with a boat, take them into his boat, and go away with them; they were new ſtrait pieces of iron, not made into hoops, they were but hoops; he deſired me to take them, I told him I could not, and a little while after I ſaw Mr. Parke and another man, move the hoops from Mr. Coulſon's warehouſe to the oppoſite ſide of the way, after that I ſaw William Dale, a waterman, come and take him into his boat, there might be ſeventeen, eighteen, or twenty, as nigh as I could gueſs, I cannot tell; I ſaw him go down the river.

Mr. Garrow. So this paſſed at noon day?—Yes.

He ſpoke to you in the warehouſe?—Yes.

What carried you there?—I very often do jobs for Mr. Coulſon; I have frequently ſeen the priſoner ſhip his goods.

THOMAS BUTTON *ſworn.*

I am ſervant to Mr. Coulſon, at one we came out of the yard, on the 7th of January, which was Friday, and there were forty-five bundles of hoops weighed to an order, which were putting into a cart, to go to Norton Falgate, to a cooper's; and I helped him to load the forty-five bundles in the cart: then after we had loaded the cart, there were a few bundles of hoops, I do not know how many, were pitched cloſe down to the waterſide; I aſked this priſoner whether thoſe hoops belonged to the ſame order or not, to go in the ſame cart; and he ſaid, no, they were landed out of a Weſt country boat, and were hoops that did not belong to us; this parcel that were thrown down by the waterſide, were what they call but hoops, they were the ſame kind as the forty-five bundles; afterwards the priſoner and another man moved them from that ſide of the way to another; he told me, ſays he, theſe hoops do not belong to us, and I will move them out of the way, or elſe by and by my maſter will come and ſay they are his property; I ſaw him remove part of them, the man's name that was with him was Dick Thomas, he is a man that goes jobbing about any where; I ſaw Dale, the waterman, take them down, and put them into his boat.

Mr. Garrow. Whoſe wharf do you call this?—Part of it belongs to Mr. Coulſon, and the other part is upon free ſtairs.

This moving of the things, was not only done very publickly, but he explained to you the reaſon?—Yes.

He always ſhips hoops?—I have known him to be there ſeven or eight years.

You do not think they were laying hid?—No, they ſtood open.

Thoſe which had been landed from your manufactory, had been ſtowed in the warehouſe?—Yes, I cannot pretend to ſwear they were my maſter's property.

WILLIAM DALE *ſworn.*

I am a waterman, Mr. Parke came to the Old Swan to me, and hired me as a waterman, to carry them down to Limehouſe; he ſaid, he had got two ſhillings to Limehouſe, he told me there were twenty bundles of hoops on Alhallows ſtairs, and to take and put them into my boat, he told me to carry them to Limehouſe, to Mr, Lacorn, a maſter cooper, in Narrow-ſtreet; I carried them and was paid, Parke told me I was to be paid there, the ſervant paid me for them; I ſaw the miſtreſs, who ſent out the maid with two ſhillings.

Mr. Garrow. You are a waterman?—Yes.

Have you worked often at Mr. Coulſon's yard?—Yes, for Mr. Parke.

Alhallows ſtairs is what you call a free ſtairs?—Yes.

What time of the day was this?—I think it was between twelve and two.

Did the man tell you to take care that nobody ſhould ſee you?—No.

All

All done publickly in the face of day? ——Yes.

You carry two at a time?—I carried one down the ſtairs at a time.

Court to Proſecuter. I am to underſtand you, that your own ſtairs are private ſtairs? ——Yes.

Court to Harriman. Did you give any orders to take any hoops to Lacorn?——I did not, we had not ſold any to him.

Court to Knight. You are clerk to Mr. Harriman, perhaps you may ſometimes give orders?—I gave no ſuch orders on the 7th of January.

Have you any dealings with him?—He has bought a few bundles, two or three, but it is many months ſince; he had no account at the houſe, for two or three years; it might be three or four months ago.

Mr. Garrow. Is there no other perſon who receives orders?—Mr. Coulſon, and Mr. Bates, neither of whom are here.

Mr. Garrow. I ſubmit there is no ground to ſet the priſoner on his defence; for I take the liberty to ſay, that there is no charge againſt this man; the witneſs ſaid, it was the account made out by the priſoner; and as againſt the priſoner, that is certainly very good evidence; but on the croſs examination, that witneſs could not ſwear that account was made out by the priſoner.

Court. There is clearly ground enough to go to the Jury.

Mr. Garrow. I ſhall not trouble the Court with witneſſes in ſuch a caſe as this.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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394. THOMAS WARD was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Walter Powell, about the hour of eight in the night, on the 28th day of January laſt, and burglariouſly ſtealing therein one copper boiler, value 15s. four copper bars, value 1s. one iron bar, value 1s. one pewter plate, value 2d. eight iron keys, value 4d. one braſs lock, value 6d. one pair of leather breeches, value 5s. one cotton bedgown, value 1s. one callico bedgown, value 4s. one linen ſhirt, value 3s. one muſlin apron, value 3s. one pair of cotton ſtockings, value 9d. one pewter tea-ſpoon, value 1d. one cloak, value 4s. one feather bed, value 30s. one iron grate, value 6s. and one china teapot, value 2d. his property.

WALTER POWELL *ſworn.*

I went out between five and ſix in the evening, and left all ſafe; it was not very light when I went out; the window of the kitchen was ſhut, and I have often tried to open it, and never could; the ſaſhes were faſt, and I believe the ſhutters were not ſhut; between eight and nine I was informed the houſe was broken open; I went as faſt as I could towards home; the priſoner was in cuſtody, the lock was on the ſtreet door as I left it; the top ſaſh of the window was almoſt down, nothing more was done to the window; and the area door open, the window was broke before I went out; there was the impreſſion of a man's foot upon the window, with dirt, within-ſide the dreſſer; ſome marks appeared to be ſhorter than others; the area door was open, it opens into the houſe, fronting the ſtairs, between the two kitchens; there is a paſſage between the two kitchens; the ſmall-beer barrel was taken out of the kitchen, and put in the area, juſt the ſide of the ſtreet door, where it appeared they had had the goods up that way, there was a good deal of dirt at top of it; I left the barrel in the kitchen, under the dreſſer; I went up ſtairs to my apartments; there was one bar that was under the copper laid down the outſide of my door, on the landing place one pair of ſtairs; the bolt of the lock of the bed room door was bent, and the ſtaple on the floor; the bed and bolſter were rolled up, ready to carry off; a cloak, value

4s.

4s. and my buck-skin breeches, value 15s. the copper which is fixed in the kitchen was taken away, and is not found.

Court. That is a fixture?——The prisoner confessed at the Rotation-office.

Mr. James, Prisoner's Council. Was there any promise given to the prisoner, that in case he confessed it should be better for him?——Not that I know of; I never asked him to confess, nor said any thing to him, nor I never heard any.

Must you have heard it, if there were such words used?——I was there all the time he was examined, but I never heard any such thing.

Was he threatened at all?——No.

Court. Then tell us what he said?——At the Rotation-office in Litchfield-street, the Gentlemen asked him what time he entered the house? he said that he and one May entered the house about eight at night.

Court. Can you speak with a certain recollection, that he mentioned the time?——Yes; and the Gentlemen asked him whether he carried the goods? and he said it was May that carried the goods away, but where he could not tell.

Mr. James. Was this the first question the Justice asked?——I did not hear any before.

You say it was rather late when you went out?——Yes.

Did not it appear to you that there had been great force and violence used?—Yes.

How long had you been in possession of the key of this house?——From last Midsummer, I received it from one Mr. Brooks.

Where is Mr. Brooks gone?——Mr. Brooks intended to return.

Was this house furnished?——No, only some fixtures.

In short, what fixtures there were, and some other furniture in different parts of the house which you did not occupy, belonged to Mr. Brooks?—Yes.

And he intended to return to the house?—Yes.

Mr. Brooks, when you had the key, was about coming to live in the house?——Yes, me and my wife had the liberty of living in this house for Mr. Brooks, whose house it was; we used one room up stairs, we had the liberty of going all over the house, but two rooms.

Court. Was you paid any thing for keeping this house?—I do not know.

Mr. James. You paid no rent for this house yourself?—I do not know; I do not rent the house.

Mrs. POWELL *sworn.*

Court. Have you been paid any thing for keeping this house?—No.

Was there any furniture of Brooks's in it, or only fixtures?——Nothing but fixtures.

Did you take this house?—No, my Lord, we have not taken the house, we had warning about six weeks before Midsummer to quit the house; it was full of lodgers, it was let in tenements.

Was you a lodger formerly?—Yes.

When you was a lodger you paid rent?——Yes, seven pounds a year.

Have you paid any thing for the time you have been in it since?—I had liberty to stay in the house from Mr. Brooks, he said he wanted the apartment that I had, to bring his own furniture in; I asked him to let me go up into the garret; and he said, if I would not damage it I might; a pewter spoon was found on the prisoner in the watch-house, but nothing else; all the things that were described by my husband, were missing, and more; I attended at the Rotation-office the next day, and the prisoner was examined at the Rotation, and the Justice asked him what time he came into the house; and he said about eight, and one Robert May carried the goods away, he did not know where.

Was he threatened at all, or any offer made him?—No.

THOMAS LEWIS *sworn.*

I saw the prisoner on the wall of this house between eight and nine at night, I took him immediately.

The *Watchman* and *Beadle* deposed that they took the prisoner to the watch-house, and found in his pocket a pewter tea-spoon without a mark.

Prisoner. I have nothing to say.

GUILTY

Of stealing, but not of the burglary.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. ROSE.

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395. WILLIAM LICHFIELD and JAMES PENNY were indicted for feloniously stealing, on the 26th day of January last, one iron frame window-guard, value 15s. the property of John Mackell.

(The Case opened by Mr. Keys.)

JOHN MACKELL *sworn.*

I live in Park-lane, I am a smith; the iron frame in the indictment had been left by me in the yard, the night before, with other frames of the same kind; the next day I saw one of my window-guards at the watch house.

JOHN MORRIS *sworn.*

I am a watchman; I saw the two prisoners and another in Brick-street, on the 26th of January, a little after two in the morning; it was a very moon-light morning; these men were putting this window-guard into a cellar, and ran away, and a woman said, you are catched, you are catched; they said, no, it was only the watchman; they should make it up with the watchman: it was a little distance from the prosecutor's house; they ran away from the iron, seeing me, and they came back again; they were all together, near this woman's house; I did not see them put the iron down; I saw an iron window-guard after they ran away; I think there were half a dozen bars in it; I took it up, and put it against the side of a house; and they all three came back, and asked me what I was going to do with it; and the two prisoners took it from the side of the house, whilst I had one part in my hand, and they threw it on the dunghill, and said it was theirs; they then asked me to have some beer; and he that is not present, laid hold of my hand, and told me, if I made any noise, they should fall out with me; and Lichfield gave 6d. to that person to give to me, and I would not have it; Penny followed me, and I laid hold of him; and he swore he would run his knife into my guts; I then saw Lichfield coming towards me, and I let him go, and took the iron and ran on, and they followed me; I sprang my rattle, and they ran away; I knew the prisoners before.

Mr. Chetwood, Prisoner's Counsel. You did not see them near the prosecutor's house?—No.

You do not know who put the iron in that cellar?—No.

You saw three boys together?—Yes.

THOMAS MAYCOCK *sworn.*

I am a smith, I work for the prosecutor; I remember bringing home some iron grates for windows, from my Lord Westmoreland's, just before Christmas, this is one of them.

PRISONER PENNY's DEFENCE.

I was going to fetch fifty-two sheep, and nine beasts from Shepherd's-Bush, and I met this watchman; says he, Jemmy go along; says I, I am going to work; says the watchman, go along, go along, do.

PRISONER LICHFIELD's DEFENCE.

I was going to fetch a midwife for a woman that was in labour.

The

The prisoner Lichfield called three witnesses, who gave him a good character.

BOTH GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. ROSE.

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396. JOHN BRETT was indicted for feloniously assaulting Mary Taylor, spinster, on the King's highway, on the 10th day of February last, and putting her in corporal fear and danger of her life, and feloniously taking from her person, and against her will, one box made of past-board, value 1d. one dark coloured cotton gown, value 14s. one cloth cloak, value 8s. four caps, value 4s. two pair of stockings, value 2s. three pair of worsted stockings, value 1s. one black silk handkerchief, value 1s. one muslin handkerchief, value 1s. one linen handkerchief, value 6d. one pair of shoes, value 6d. her property.

MARY TAYLOR *sworn.*

I am a servant to a milk-woman, I live in Kingsland-road; on the 10th of February, about six in the evening, the prisoner met me in Bishopsgate-street, and asked me what it was o'clock; I said, I do not know; I never saw the boy before; it was dark, but I was near some lamps; the shops were not shut up; we were nigh a bow window, but there was no light in it that I saw; there were people walking backwards and forwards; the prisoner asked me again if I thought it was seven, and I told him no; he asked me, if I could direct him to Holloway-mount; I told him I knew Holloway-lane; we walked together till we came to the corner of Angel-alley, then he pulled the box from me, and another man knocked me into the road; I had hold of each end of the box, I was carrying it before me, it was a caravan box; he first made a snatch at the box, then I received the blow, and then he took away the box; it was some time before I got up, I was quite stunned; I am sure the prisoner is the boy, he was in my company about five minutes.

Prisoner. She gave me a half-penny to carry the box. When they took me, Mr. Wilmot's men said, if I would get four guineas, they would let me go; then the woman said, I will not let him go clear without he gives me a guinea and an half.

Prosecutrix. I never offered to let him go for any money.

GUILTY

Of stealing, but not violently from the person.

Transported for seven years.

Tried by the London Jury before Mr. ROSE.

---

397. PETER HOLTON was indicted for feloniously stealing on the 20th day of December last, 11s. in monies numbered, the monies of Thomas Cunningham.

Mrs. CUNNINGHAM *sworn.*

I live in Ratcliff-highway, I am a market-woman, I have a room, I have several times seen the prisoner drawing the liquors when I went to the public house; I went there on the 20th of December, and my husband would not speak to me, I was sober; I called for a pint of beer, and this man drew it for me, and my husband got up and went out of doors; I drank the beer and I said to the prisoner, do you think my husband will come in again? and he said yes; and just as I had the second pint my husband came in again, and he said, are you coming home? and the people went out, and it got late, and the house was shut up, and I warmed myself, and said to the man, will you take for this beer? and I pulled out a little box, there was nobody left but that man, and I gave him six-pence, and he took for two pints of beer, and he gave me two-pence halfpenny; I put the two-pence halfpenny, with eleven shillings.

ſhillings, into my boſom again, and as I was ſitting warming myſelf, he came and put his arm round my neck, and his other arm down my boſom, and I ſaw him take out a bag, and I caught hold of his hand, and ſaid, Maſter you have my money; he denied it a great while, I caught hold of him by the ſkirt of his coat, and I cried and made a ſad noiſe, and he ſaid he would throw me out of doors if I cried; and I told him, I brought the money into the houſe; he ſaid, you have dropped your money down your boſom; and I ſaid, no I have not, and I undid my gown, and I opened my ſtays, and ſhewed him; I pulled off my ſtays, and I ſaid to him, you may ſee; he ſaid he would put me out; I ſaid I would not go out: and at laſt he put me out of the door, he threw me out upon my face, my face was all grazed; the priſoner ſaid, I ſhould awake the people if I made ſuch a noiſe; I never got a farthing again; I was crying at the door, and a young fellow came up, and ſaid, what is the matter? and I ſaid, I have loſt my money.

Court. Do you wiſh to call that man? —No, I do not want to call him, I do not know any of their names; I had been at the public houſe ſeveral times before, it it the ſign of the Star, in Wells-ſtreet, Roſemary Lane; I did not take him for three weeks afterwards, he made out of the way, I live at the bottom of that ſtreet myſelf; when I took the priſoner, I went to the public-houſe, and there were five or ſix perſons ſitting round the fire, and I knew him; I did not ſee the young man there the next morning, which I ſaw the night before, and the priſoner fell a laughing, and ſaid you do not know what you are talking of, you was drunk.

What time of night was it when you went in?—About nine, I was there about two hours, I had two pints; I believe I had a dram in the morning, which we generally have when we go to market, I was very ſober indeed, I borrowed this money of my mother.

Mr. Knowles, Priſoner's Council. Have you never been in that place where that man is now?——I never was inſide this place in my life, nor never in the yard.

Was you never tried for any offence?—No, never, neither here nor any where elſe.

You ſay you were quite ſober when you came into this houſe?—Yes, my huſband went out directly.

Then you thought proper to lay two hours after your huſband went out?——Yes.

Pray, how many quarterns of gin had you at this alehouſe?—I had none, no other liquors than the two pints of beer.

You had better ſpeak the truth; was not Davis in the houſe during all the time you was in the houſe?——I do not know ſuch a name.

Was not there a man beſides the priſoner in the houſe during all the time you was there?—There was nobody in the tap-room but me and him when he robbed me, nobody went out with me, I went to another public houſe, I thought my huſband was there, I came in again.

Did not you ſay, you would make it up? —I ſaid, give me five or ſix ſhillings, and I will not hurt you; but I never ſaw him in priſon, nor never ſent to him.

Did not you go with another man from that place to Salt-petre Bank, and there aſk for a lodging to ſleep with that man that night?——No, Sir.

Do you remember one Mr. Patrick being there?—No.

How much money had you when you went into the houſe? — Eleven ſhillings and ſix-pence.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol-Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Peter Holton.

Priſoner. I never ſaw a half-penny *with* the woman, only what ſhe paid for the liquor, and ſhe had ſeveral quarterns of gin and ſeveral pints of purl and gin; ſhe wanted Mr. Patrick to go with her, and he would not, and ſhe took up with Bob Davis.

Court to Proſecutrix. You ſay, your mother lent you the money?—Yes, I went to market, but I could not buy any thing that day, they were too dear; I did not go with any man to Salt-petre Bank.

PHILIP RILEY *ſworn.*

I am a houſekeeper at Ratcliffe-Croſs; I work at the rigging houſe; I am a married man; I have lived there about two years; I remember the proſecutrix coming to the Star when the priſoner was there, I cannot ſay the day.

ROBERT DAVIS *ſworn.*

I work on the river, I am a lodger, I am a lumper; I remember coming in when the proſecutrix was at the Star, about ſeven in the middle of December; I cannot tell the day; it was a matter of five weeks after that he was taken up.

Was the proſecutrix's huſband there?—They had had ſome words; ſhe was very much intoxicated with liquor, during my time ſhe had two pots of beer and three quarterns of gin; when I came in ſhe called me the father of her children, and took me by the neck; the huſband had not come in at that time.

Did this woman aſk you to go with her?—She did ſeveral and ſeveral times, and moreover than that, ſhe gave me five ſhillings and ſix-pence to procure her a bed, and I went out and could not get one at any houſe on Salt-petre Bank, but at the houſe of one Brunk; I came back and met her at the door, and ſhe ſaid ſhe was robbed; ſhe calls me Bob.

Mr. Knowles. Where did ſhe take this money from?——From a little white purſe out of her boſom.

Was Riley in the houſe the time you was there?——Yes.

Riley. The proſecutrix was rather the worſe for liquor when ſhe came in; ſhe drank till ſhe fell off the ſeat; ſhe was along with Mr. Patrick, and ſhe offered him a ſhilling to go to bed with her, and he refuſed it, and ſaid he had a wife of his own.

Court.

Court. Did you go away before her?—No, Sir, I did not; I did not go out of the houſe till the houſe was ſhut up; I ſlept there that night; I never heard her mention that ſhe was robbed in the houſe.

Muſt you have ſeen it if ſhe had been robbed in the houſe?——Undoubtedly, Sir, it could not be otherwiſe, becauſe I attended the tap-room all the time, the priſoner never took any liberties with her; ſhe paid for what ſhe had to me; I took the money from her and delivered it at the bar.

Did ſhe never pay any thing to the priſoner?—No, ſhe gave me one ſhilling one time, and I gave her four-pence.

JOHN PARKER *ſworn.*

I know the evidence; he ſerved between three and four years on board the ſhip, that is all I know, and had a good character.

——— KEARNAN *ſworn.*

I keep the Star in Well's-ſtreet; the priſoner lodges with me; the proſecutrix applied to me ſeveral times to make the matter up, ſhe ſaid ſhe would forgive him for half a crown; and I told her I would have the man puniſhed, the man ſaid, he would not give her ſix-pence, and would undergo any proſecution ſooner than give her a farthing; I never heard any thing but what was juſt by him; I found him a very honeſt ſober man while he was with me; the proſecutrix came to my houſe the day following, and brought a conſtable, and was going to give charge of another man; I believe he was not taken from my houſe; he was at my houſe continually until he was taken up, which was above three weeks after; I do not know whether ſhe was drunk or not.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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398. HUGH WILLIAMS was indicted for feloniouſly ſtealing, on the 20th of January laſt, one linen ſheet, value 5s. one pillow caſe, value 6d. one linen ſhirt, value 5s. two cotton bed-gowns, value 6d. five diaper clouts, value 2s. four linen clouts, value 6d. ſix check aprons, value 6s. one pair of ſtockings, value 4d. a flannel coat, value 1s. a child's coat, value 2d. two dimity ſtomachers, value 4d. one printed callico gown, value 10s. the property of Charles Curtis.

CHARLES CURTIS *ſworn.*

I live at Aſhford, I went out and left my journeyman at home; there are two tenements in the houſe, I live in one of them; I left my room door open; I left the priſoner, who was one of my journeymen, and one William Penny, at work; I came home the next morning the 21ſt.

Did you miſs any thing?—As ſoon as I came home I found the ſhop locked up, and nobody at home in either houſe; I looked in through the key hole, and I ſaw the things taken off one of the ſeats, and I was afraid the things were gone; I found the priſoner at the public-houſe, the ſign of the King's head; the priſoner was in cuſtody at the public-houſe, when I aſked him how he came to do it, he told me he was drunk.

WILLIAM PENNY *ſworn.*

I continued at work till four in the afternoon; then I went out and came home and went to bed; and the priſoner brought in the things; he lodged in the ſame room with me, I was afraid to ſay any thing to him.

JOSEPH BUNCE *ſworn.*

I lodge in this houſe; about an hour after I went to bed, I heard ſomebody in Mr. Curtis's room, and I got out of bed, I found nobody there; then I went into their room, and found them both in bed.

Court to Proſecutor. How came you to ſuſpect Williams rather than Penny?——I did not ſuſpect him any otherwiſe than as Penny ſays.

What did Williams ſay?——He did not ſay any thing of the matter any more.

Priſoner.

Priſoner. Did you ſee any of theſe things when you came into the room with the light?——No Sir, not till afterwards.

Were they both in bed?——Yes.

Were they both undreſſed?——No, one was, that was Penny, the priſoner had ſome cloaths on and ſome off.

——— PIGENO *ſworn.*

I took the priſoner at Staines; the priſoner was coming to Aſhford where Curtis lives.

Court to Bunce. How come you to let this man go away when you had found the things?——I did not find the things, I did not ſee them.

ELIZABETH CURTIS *ſworn.*

Theſe are the things which lay on the bed where this man lay; I ſaw them found; they are my property.

Priſoner. I ſtopped there till about four in the afternoon, after Mr. Curtis went away, and Penny and I went to the public-houſe to have ſome beer, he left me and went away, I went home after to go to bed; Penny was in bed, and had locked himſelf in; Bunce wanted to awake him, and he could not; I went into the ſhop to work, at laſt Bunce broke the door open, but he could not make him ſenſible; when I went to work again, I found half a gallon of wine in the ſhop, and Bunce thought he heard ſome foot in the room, which was me coming along the paſſage; Bunce ſaid, what is the matter? I ſaid nothing is the matter, come with me, and I will ſhew you what is the matter; I took him into the ſhop and ſhewed him where Penny had been vomiting all round, and I ſhewed him the half gallon of wine; Bunce was in a great paſſion, and told me to pack up my tools and go away out of the houſe that night, for he was afraid Penny and I ſhould have words, accordingly I packed up my things and went and came back in the morning, and I was ſecured.

Court to Bunce. Is this true?—Yes.

What did Penny ſay to it at the time?—He did not ſay any thing.

Then at firſt, that night Williams ſaid Penny had been in Curtis's room, and went and ſhewed you the room?——He ſhewed me where he had been vomiting, and were the wine was, that was juſt by the chamber door.

Where had you heard the foot before?—It was in the chamber, I thought I heard the foot.

Did you go into the chamber that night?—I did not.

Then it was in the ſhop room he took you to?—Yes, Penny ſaid nothing that I know of.

Which of them was moſt in liquor?—I do not know, Penny was in bed, and Williams was very much in liquor; I do not know when Williams went to bed, he ſaid he ſhould go to work, I did not ſee him go to work.

Did you bid him take his tools and go, to prevent their quarrelling?—Yes.

Priſoner. I pulled off my coat and waiſtcoat and ſhoes, I thought I would lay in the ſame manner Penny did, he had not all his clothes off.

Court to Curtis. How did this man behave before? I never heard any thing amiſs about him, Penny had worked with me a few months.

What was the circumſtance that induced you to charge Williams rather than Penny?—Becauſe Penny ſwore to him, and Williams owned it all before the Juſtice; the Juſtice aſked him how he came to do this thing, and he ſaid he was drunk; I had ſix quarts of elder wine, and they had drawn that out and got drunk with it.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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399. THOMAS BREEZE was indicted for feloniouſly ſtealing, on the 12th of February, fifty pounds weight of lead, value 10s. belonging to Elizabeth Howard, ſpinſter, then and there affixed to a certain empty houſe of her's, againſt the ſtatute.

A ſecond

A second count. That he, feloniously did steal one fixture, called an iron lock, value 1s. belonging to the said Elizabeth, affixed to a street door of the empty house of the said Elizabeth.

THOMAS GOODEVE *sworn.*

About half after six, on the 12th of February, I was doing some little repairs, in a house belonging to Mrs. Elizabeth Howard, and I went down and found the lock was off; I opened the door, and stood in the passage about ten minutes, and I heard somebody down below; I stepped out and got assistance, and the prisoner and another man came up; the prisoner catched me by the collar, and asked me if I did not see a man, I told him no, and I immediately caught at him, they came out of the kitchen: the other pushed me out in the street, and the prisoner slipped out, and I followed him, and caught him the corner of St. Martin's Court, the other escaped; I found the lead sink below was all turned up, but not taken out of the room; the lock was found within the shop door, removed from the street door altogether, with the screws in it; the lead was not taken out of the frame.

Court to Mr. Shelton. Is there any count for ripping and cutting?——No, only the count for stealing.

Do you know what situation the house was left in before?—I was down there before, and it was locked; the lock appeared to be taken off with a screw driver, he dropped a screw driver out of his hands.

Did the lock appear to be forced off, for the purpose of getting into the house, or did it appear to be taken off afterwards?—It appeared to me, to have been taken off withinside.

Prisoner. Ask him whether it was an iron lock, or a wooden lock?——It was what we call a stock lock, iron work in a wooden frame.

Court. Should you understand then, from the description of an iron lock, should you understand it was a lock of this kind, or a lock in an iron box?——No, I should not, it is called a stock lock, an iron lock, or a brass lock, according to the case of it.

FRANCIS CLEWLEY *sworn.*

I took charge of the prisoner, and took him to the Justices; and went and searched the house, I have not the lock here, I did not conceive it to be necessary; I asked the the Justice whether I should bring the lock, and he said no; I found the lock on the side of an inner door, and in the kitchen I found this screw; I turned on one side, and I observed the lead raised all round from the frame, but not carried away; I found this sack likewise.

What sort of lock was it?——A stock lock, a lock in an iron frame, I do not conceive it to be called an iron lock.

PRISONER's DEFENCE.

I was at St. James's-market, to carry some lead, I stopped and had a pennyworth of beer, and came along Leicester-fields, and up Castle-street, meaning to go home to my lodgings; I heard the cry of stop thief! I ran, I suppose there were twenty people, or more, and the gentleman took me.

Court to Jury. Gentlemen, here is no taking away to constitute a complete stealing, any the least removal is sufficient, but here there was none; and though the same act of parliament, which makes it felony to steal, makes it felony to rip with intent to steal, yet there is no such charge in the indictment: and then in the count for the lock, they have called it an iron lock, which it certainly is not, therefore in point of law, the prisoner is entitled to his acquittal.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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400. JONATHAN MESSENGER was indicted for feloniously stealing, on the 30th day of January last, one wooden trunk covered with leather, value 1s. seven linen shirts,

ſhirts, value 40s. ſix linen ſtocks, value 6s. four pair of ſtockings, value 20s. one pair of thread ſtockings, value 2s. a pair of ſilver ſhoe buckles, value 10s. two pair of nankeen breeches, value 6s. three cotton waiſtcoats, value 3s. one ſattin waiſtcoat, value 3s. and eleven printed books, value 11s. the property of Henry Foſter Mills.

HENRY FOSTER MILLS *ſworn.*

I ſaw my trunk in George-ſtreet, and I miſſed it at the Horſe-guards, about ſix o'clock, the trunk contained the things mentioned in the indictment; I ſtepped to the chaiſe to give ſome directions, and the poſt boy ſaid it was gone, and I found the priſoner and the trunk at Bow-ſtreet, brought by ſome ſoldiers, the trunk is here, and the things in it.

(Produced, and depoſed to.)

Mr. Peatt, Priſoner's Council. Were the things your property?—Yes.

JAMES DYSON *ſworn.*

On the 30th of January, I was ſentry in St. James's Square; about two minutes after ſix, I ſaw four men running before me, with this trunk on their ſhoulders, and one of them, which I believe is Jonathan Meſſenger.

——— BROWN *ſworn.*

On the 30th of January, about two minutes after ſix, I was going to take the relief out, and I had got about half way to the place, to relieve the firſt ſentry in Scotland Yard, and I met the priſoner with the trunk; two men paſſed me in a great hurry, and the priſoner was behind them with the trunk; I ſtopped the priſoner, he never got from me, I took him to the Guard-room, and down to the Savoy Barracks, to the ſerjeant who belonged to the regiment, to know how we ſhould act with him; and I took him to Sir Sampſon's, with the ſame trunk; this is the trunk.

Mr. Peatt. It was ſix in the evening you ſay?—Yes.

How many went by before you ſaw the priſoner?——I ſaw two paſs me in a very great hurry, the priſoner had it in his hand, I took it out of his hand, he had got it upon the ground on the end; he ſaid he met ſome men, and he aſked them what they were going to do with that trunk, and he ſaid ſome of them knocked him down directly, he did not make any reſiſtance, he did not ſay that he hoped to have any of the reward, if the rogues were taken.

Did you aſk him to leave the trunk in your hands?——No.

Did your fellow ſoldiers, in your hearing?—No.

Did not he ſay, that he recovered it from the perſons that were running on before?—Yes.

Recollect if he did not ſay he hoped for ſome of the reward?—I never did hear him ſay ſo.

Court to Dixon. Did you deſire the priſoner to go away and leave the trunk in your hands, and he refuſed?—No.

Court to the Corporal. In what poſture was the priſoner when you firſt ſaw him?——The trunk was an end, and he had the handle in his hand, and I took it from him, he juſt ſtood ſtill; I met him at the corner of a narrow paſſage.

Then at the time you firſt ſaw him, he was ſtanding ſtill?—Yes.

JAMES FORD *ſworn.*

I am the poſt boy, I did not ſee anything of the people who took the trunk, till after they were taken, I know the trunk was on the chaiſe.

Mr. Peatt. What time did you ſee it?—I cannot tell, it was miſſed near upon ſix o'clock.

The priſoner called three witneſſes who gave him a very good character.

Mr. Peatt. I have at leaſt twenty more.

Court. Gentlemen of the Jury, under the circumſtances in which this man is deſcribed, and immediately ſaying he had ſtopped ſomebody with the trunk; a man of bad character could hardly be convicted on that evidence: but where a man appears to

to have a good character, there can be no doubt.

NOT GUILTY.

Court. It is but justice to that man, to say, that I do not believe he was the man that took the trunk, and I think there is no imputation upon him, from this charge.

Tried by the first Middlesex Jury before Mr. RECORDER.

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401. GRACE GYNNE was indicted for feloniously stealing, on the 18th day of January last, three live pigs, value 15s. the property of Jonathan Rayner.

JONATHAN RAYNER *sworn.*

I live at Marybone, I lost three pigs the 18th of January at night, I missed them in the morning; I put them in a place locked up, at the back side of Marybone, in a shed that I fenced in all round, and the yard door was locked; I never found them any more.

ELIZABETH HARRIS *sworn.*

I lived with the prisoner, she came in on the Queen's birth day about eleven, she went out again, and she brought in two pigs in her apron, and she pulled a paper box from under the bed, and put the two pigs in; and I got up and pulled the box from under the bed, and there were the pigs; and I followed her out, and she went towards the prosecutor's pig-sty, she lives about ten yards from the pig-sty; I saw her drop a pig, when she returned she picked it up again; she took and beat me, and swore damnation, that if I did tell, she would kill me stone dead, and I was forced to down on my knees to pray of her, else she would have killed me.

What was she?—She used to go to work at gentlemen's houses, I was hired to live with her at a shilling a week, we never had any quarrel before she took the pigs.

How long was it after, before you told of her?——A week, I was affraid, she got me down in the middle of the house, and beat me with a candlestick, and I was forced to down on my knees and pray her, else she would have killed me; her next door neighbour lost some fowls, and she said I could give an account of them, and the gentlewoman came to me, and I said, I supposed they were gone as Mr. Rayner's pigs were gone; so then Mr. Rayner came to me, that was the cause of our quarrel.

You did not see her get over the pales?——No.

Whereabouts did she go to the pales?—She went through her own gate, and strait to the pales.

Court to Rayner. What sort of a yard is your's?—Fenced in all round, paling seven feet high, and a door that was locked; this woman lives about seven or eight yards from me, I did not hear of it for a week or ten days after; I saw Harris every day, she never said anything to me till then, then she told me, says she, Mr. Rayner, I believe I can tell you who had your pigs, she came to me to the public house.

Court. Do you think she could get over your pales?——I should think not.

Prisoner. I beg leave to send for my friends.

Court. Here is no evidence but of this servant, who seems to swear against her from spleen and resentment, and who said nothing for ten days.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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402. CHRISTOPHER WEBB was indicted for feloniously stealing, on the 14th of January last, seven pair of leather shoes, value 16s. one linen shirt, value 4s. a linen shift, value 18d. a safe guard, value 18d. a cotton handkerchief, value 6d. three frocks, value 9d. the property of John Barker.

JOHN BARKER *sworn.*

I live at Islington, I deal in old shoes, I mend

mend them up for ſale; on the 14th of January laſt, about half paſt ſeven, I got up, and I went to unlock my ſhop door; and found it unlocked; the houſe belonged to one Ann Smith, I lodged at that time in the houſe, I looked round the ſhop, and found it had been robbed of the things mentioned in the indictment, they were all my property; when I went to bed I double locked the door, I am quite ſure they were all ſafe when I went to bed; I went the ſame morning to Juſtice Blackborough's, and informed him, and he granted me a warrant; and Dinmore and me went and took a man that we ſuſpected, who lodged in the ſame houſe, we found him in Gold-lane, and he was committed to priſon; afterwards, when the priſoner was taken up, which was in his own room, I ſaw my ſhirt upon his back.

Did he make any oppoſition to your looking at the ſhirt?——No.

Did you examine the ſhirt?——Yes, when it was taken off my wife ſwore to it; I ſaw it taken off him, and there was a woman whom he ſaid was his wife, and we deſired her to pull off her ſhift, and we retired while ſhe ſtripped, for decency, but ſhe pulled it off, and opened the door, and gave the ſhift into my hand; when we got to the Juſtices, the priſoner before me owned the whole.

Did you offer him favour?——No.

Did you threaten him?——No, he ſaid, before the Juſtice, that he robbed me, and that it was through a woman that lodges in the houſe that he robbed me; he ſaid, he had ſold the reſt of the things to a Jew, and the woman ſaid you have not ſold them all, for you have a pair of ſhoes on belonging to the man; and his ſhoes were then taken off, and I ſwore to them, having been at work on them the night before for a cuſtomer.

Priſoner. Did not you ſay you would make it up for two guineas?——I never ſpoke to him in my life, only the time he was taken.

Did you ever make any offer to him?—Nothing in the world.

Priſoner. I have witneſſes that he offered to make it up.

MARY BARKER *ſworn.*

I know the ſhirt, it is my own making, but the frill is taken off, I can ſafely ſwear to my own work.

Is there anything ſingular about it?——I know my own work from anybody's elſe, every ſtitch about it; it had a frill, and the frill was marked, and that is taken off; I miſſed a ſhirt at that time out of my room, and a ſhift which I alſo miſſed that day, which was in the room; my huſband gave it me on the night he had been at the priſoner's lodgings, I have had it in my poſſeſſion ever ſince; it has a very particular mark upon it, here is a piece put on to the ſhift, before it was made up.

JOHN DINMORE *ſworn.*

I am conſtable of Clerkenwell, I went with the proſecutor to the priſoner's lodging, in Red Bull-yard; the woman ſaid, he was not at home, I then told her, I came about a felony, and ſhe muſt open the door; ſhe came down and opened the door, I then went up ſtairs, and found the priſoner hid in a cloſet, and I ſtood by while he pulled off his ſhirt, which is the ſhirt now produced, I have had it ever ſince; then the woman pulled off a ſhift, which ſhe had on, and we withdrew, and ſhe put it out through the door to the proſecutor, and gave it into his hand, and theſe ſhoes I took off his feet, and ſent for a pair of others for him to put on; the reſt of the things they ſaid they had ſold to a Jew; I have had them ever ſince.

(The ſhoes depoſed to.)

PRISONER's DEFENCE.

On Friday I was at work down at Wapping, in coal heaving, and coming through Roſemary-lane, I bought this ſhirt, and ſhoes, and ſhift, and gave half a guinea for them.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

403. GEORGE

403. GEORGE FOSTER was indicted for feloniously ſtealing, on the 3d day of February laſt, three penny weights of gold, value 12s. one ounce weight of ſilver, value 5s. two brilliant diamonds, value 18s. and twenty four roſe diamonds, value 24s. the property of James Morriſon, Robert Lukin, and Charles Lukin.

ROBERT LUKIN *ſworn.*

The priſoner was my journeyman, he worked with me about a twelvemonth, he had been with me before; on the 2d of February I received information, and in conſequence of that, I went to Mr. Blank's the refiner; I there ſaw an ingot of gold and ſilver melted together, and upon the firſt ſight of it, it occurred to me that it had been thrown into an ingot, which I knew to be mine; an ingot is an iron mould: I then deſired them to let me take it home, and I did ſo, and it fitted very exactly, except that a piece had been cut out of the middle, theſe moulds are of different ſizes; I called the priſoner down from work, and aſked him if he knew the ingot, the firſt anſwer that he made was, that he did not; I then aſked him, if he had not carried ſomething of that ſort to ſell to Mr. Blank, and he acknowledged he had.

Court. What did you ſay to him to induce him to acknowledge that, did you give him any promiſe, or hint that it would be better for him to confeſs, or anything of that kind?——No, my Lord; I told him, that as we were ſenſible from the ſtate of our account which we kept of our gold, that we loſt ſome of it in an unfair manner, that it was exceedingly neceſſary that he ſhould give us an unequivocal account how he came by it; he heſitated for ſome time giving any anſwer, I told him upon that, that he had better give a direct anſwer, that that would be more likely to ſatisfy us, that nothing ſhort of that would ſatisfy us.

Court. I cannot hear anything that he ſaid after that, after you told him that he ſhould not be proſecuted?——I did not tell him any ſuch thing.

But you told him the ſame thing in ſubſtance, you conveyed that idea to him, do you know any thing independent of what he himſelf ſaid, after this?—Some things were found upon him, before he acknowledged them, they were two brilliant diamonds, they were in a paper in the lining of his breeches, not in the pocket.

Did he tell you he had them about him?——No.

Can you diſtinguiſh them to be your's?——No, it is impoſſible to ſwear to them.

Had you loſt ſuch?——I cannot ſay we had, we are conſtantly loſing one, which drops on the floor, and it is impoſſible ſometimes to find it, though ſometimes we do; the roſe diamonds were found at his lodgings, I can ſay nothing to them.

Court. It is only by his confeſſion that you know they are your property?—Yes.

Court to Jury. Gentlemen of the Jury, as this caſe ſtands, it will be impoſſible to reach the priſoner: with reſpect to the ingot of gold, the whole of that reſts upon the admiſſion of the priſoner, after the proſecutor told him it would be better for him to ſpeak the truth, and nothing ſhort of that would ſatisfy him. It is the law of this country, and a very proper one too in my opinion, that no evidence of confeſſion can be received, that is procured on promiſe of indemnity.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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404. JOSEPH LEE and JOHN COX were indicted for that they, on the 16th day of February, certain lead, value 5s. being part of a certain leaden gutter then and there fixed to a certain houſe of Ralph Jackſon and John Everard the younger, feloniouſly did rip, cut, and break, with intent to ſteal.

A ſecond Count. For that they, certain other lead, price 5s. being part of a certain other gutter, the property of a perſon unknown, feloniouſly did rip, cut, and break, with intent to ſteal.

(The case opened by Mr. Silveſter.)

JOHN KETCHER *ſworn.*

I am a watchman, I was coming from the watch-houſe in Moorfields, on the 16th, on Wedneſday, and coming by this old houſe there is a hole in the corner of the wall, there is a gutter that hung over the edge; on looking at the two pair of ſtairs I ſaw ſomebody on the roof of the houſe, through the cieling; I called out loud, and they both came running down ſtairs, and came out of this hole in the wall: we aſked them what they had been about, and they rubbed their eyes, and ſaid they had been belated, and had been there for ſleep; we put them in the watch-houſe, and in about two minutes I went up ſtairs, and Mr. Meſſer followed me; I went and got through the hole of the ceiling, and I ſaw the lead cut, it was freſh cut, and looks ſo now, one part of it is gone, it was cut almoſt off.

Priſoner. Did not you find another man in the houſe?——Yes, he was a poor fellow that only laid down to ſleep; the priſoners ſaid he did not belong to them; he was in the corner next the chimney.

——— MESSER *ſworn.*

I ſaw this watchman calling to his brother watchmen at the hole of this houſe, and I ſaw the two priſoners come from the roof of the houſe, it was day-light; the glaſs and wood-work and all was entirely gone; I aſked the priſoners what they were doing there? and Lee ſaid, we were locked out of our lodgings, and went there to ſleep; they were taken to the watch-houſe; I ſaw them come out of the hole of the houſe.

JOHN EVERARD *ſworn.*

Theſe houſes belong to a young lady, when ſhe is twenty-one: I am a truſtee for her, and Ralph Jackſon is the other truſtee.

The legal eſtate is in you then as truſtee for her benefit?——Yes.

PRISONERS DEFENCE.

We were belated, and we ſaw this houſe open, and we went in to ſleep, there were more men up one pair of ſtairs; we came down at break of day, and they took us to the watch-houſe; they let another man go.

Jury. Did you find any implements on the premiſes?—We did not ſearch the premiſes nor the perſon.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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405. ELEANOR FENN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Julius Forreſter, Eſquire, about the hour of eight in the night, on the 17th day of February, and burglariouſly ſtealing therein four cotton gowns, value 20s. two linen gowns, value 5s. one linen bed-gown, value 2s. one dimity petticoat, value 5s. one ſtuff petticoat, value 5s. two flannel petticoats, value 2s. one pair of woman's ſtays, value 5s. five pair of cotton ſtockings, value 5s. one pair of worſted ſtockings, value 12d. one cloth cloak, value 5s. one pair of pockets, value 6d. and four ſhifts, value 4s. the property of Margaret Chronicle.

MARGARET CHRONICLE *ſworn.*

I live with my Maſter Julius Forreſter, on the 17th of February I loſt my clothes, it was near twelve at night, I miſſed my box; I have not recovered all my things; I loſt the things mentioned in the indictment; I miſſed them when I went to bed; I faſtened up the houſe ſafe; there is a narrow gutter facing this garret window; and a parapet wall as high as a perſon's knee; any body might get over by the chimney; and my box was left in an empty houſe the next door but one: I firſt ſaw ſome of my things at Mr. Proſſer's houſe, on the Monday following; the box was brought to me the ſame night, by our watchman.

THOMAS

THOMAS LITTLE *sworn.*

I am a watchman of Biſhopſgate-ſtreet Ward without, about half an hour paſt nine I heard a coach ſtop in New-ſtreet, Biſhopſgate-ſtreet, I did not ſee any body come out, it was on Thurſday evening the 17th, I ſaw the priſoner at the bar coming paſt with this bag, and theſe clothes; I never ſaw her before, I aſked her where ſhe was going; ſhe ſaid to a place; I ſaid, to a freſh ſervice; I do not know ſaid ſhe; I aſked her what ſhe had in her bag; ſhe ſaid I do not know, you may look in it if you will; I told her I would not look at it, but I took her and the bag to the watch-houſe; I gave the things to Mr. Proſſer.

Priſoner. This witneſs ſaw me call a young man out of a public houſe. ——As I was *driving* the priſoner before me, a young man came out of the Magpye, and they ſpoke together, and he came along with her part of the way.

Walter Proſſer, conſtable, confirmed the account of the priſoner being brought in, and produced the things, which the priſoner ſaid ſhe brought from the other end of the town, from Oxford-ſtreet, in a coach, with a young man, but ſhe ſaid ſhe did not know who he was.

(The things depoſed to.)

PRISONER's DEFENCE.

As I was coming along Great Ruſſel-ſtreet, Bloomſbury, a young man came up, and aſked me to walk with him, he had a bag under his arm, and we came to Holborn and drank; and then he asked me to take a ride with him; and I ſaid I did not care; and he called a coach, and bid the man drive to Cock-hill, in Biſhopſgate-ſtreet, and I ſtepped out of the coach firſt, oppoſite that gentleman's box; and he deſired me to guard the bag, while he went in to pay the coachman; I told the watchman I was waiting for a young man, and I went to the public houſe, and called him out; and he ſaid, I need not be afraid, and he walked with me to the watch-houſe.

Court to Priſoner. Who was the young man?——I do not know.

Court to Proſecutor. Was yours a large heavy box?——Yes, it was heavy when the things were in it.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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406. THOMAS JONES was indicted for that he, on the 17th day of January laſt, on the King's highway, upon one John Chard, in the peace of God, and our Lord the King, then and there being, feloniouſly did make an aſſault, and did then and there, in a forcible and violent manner, unlawfully, maliciouſly, and feloniouſly demanded his money, with intent to rob him.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN CHARD *sworn.*

I belong to Mr. Lucas, inſpector of the lamps, I was out in Vigo-lane, looking after the lamps, to ſee how they burned, and to give an account; and the priſoner and two more apparently to me, but the priſoner was behind the other two; he turned about to me, and ſaid what is it o'clock; he looked hard at me, I walked on and never ſaid a word; before I got to the pitching-place, the priſoner came up by my ſide and he told me to ſtop.

Court. Was this in a violent way, or how?——No, my Lord, he came up to me, and told me to ſtop, ſays he deliver your money; with the ſame I turned about my head, and he was inſide, he was towards the wall, I was rather towards the horſe-road: I ſaw ſomething ſhine in his hand, I cannot tell what it was: then I began to halloo out as hard as ever I could, watch, and ſtop thief; the priſoner turned himſelf round, and I turned myſelf round to purſue him; I ran, and he ran, before he came to the end of Glaſs-houſe-ſtreet the watchman was coming, and he turned back again

again further on to the end of the ſtreet; then there were four or five watchmen came into the middle of the ſtreet, and he was taken; I did not loſe ſight of him; he was very ſtubborn, and ſaid I ſtruck him over the head; when we came to the watch-houſe, the priſoner ſaid, I charge this gentleman with ſtriking me over the arm: he was committed to the next day; I am ſure he is the man that bid me ſtop, and he ſaid deliver your money.

Court. Was he abuſive at all when he told you to ſtop?—No, he was not.

JOHN PEARCE *ſworn.*

I apprehended the priſoner at half an hour after three; I heard the cry of ſtop thief, and I met the priſoner running, with ſomething in his hand, I do not know what it was; he turned ſhort, and I heard ſomething drop, but I cannot tell what it was; I purſued him; I told the watchman ſomething was dropped.

Priſoner. He ſaid he ſaw another man putting ſomething under the rails.——No, I ſaid this man.

ROBERT MITTON *ſworn.*

I am patrol of St. James's, I found a knife on Thurſday morning the 17th.

PRISONER's DEFENCE.

I am a hatter, I ſerved part of my time in Spital-fields, and a young man, an acquaintance of mine was going to Reading, and he aſked me to ſee him off: I live in Beak-ſtreet, and going along I met the proſecutor, and aſked him what it was o'clock, I believe I had got about one hundred yards from him, and I heard the cry of ſtop thief; and I ran and ſaw this gentleman cloſe to me, and he came and took me; there was another man ſtanding on the curb ſtone; there was nothing found upon me; this watchman ſaid he ſaw the other man putting ſomething under the rails; then they took me to the watch-houſe.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

407. JOSEPH MITTON was indicted for feloniouſly ſtealing on the 31ſt of January laſt, one hempen ſack, value 10d. the property of William Marratt; and three coal ſacks, value 3s. the property of Matthew Windle.

The ſacks were found at the priſoner's houſe, but no previous felony was proved.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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408. JANE BEACH was indicted for that ſhe on the 14th of December laſt, unlawfully and feloniouſly did take away, with intent to ſteal, fourteen bed-curtains, value 20s. one linen covering to a bed, value 5s. one pair of window curtains, value 20s. two cotton ſopha caſes, value 20s. four cotton pillow caſes, value 3s. two woollen blankets, value 5s. two pillows, value 4s. two pair of candleſticks, value 4s. a looking-glaſs, value 12d. a pair of tongs, value 6d. the property of William Cooper, being in a certain hired lodging, in the dwelling houſe of the ſaid William.

(The witneſſes examined apart.)

WILLIAM COOPER *ſworn.*

I am a hair-dreſſer, and houſe-keeper, the priſoner lived in my apartments about ten weeks; my wife uſually lets the lodgings; ſhe received the money from the priſoner; I knew of the contract with this woman, and I approved of it.

Mr. Peatt, Priſoner's Counſel. This was a houſe let to the priſoner for a conſideration?——Yes.

Had the priſoner the whole houſe?—No, I kept a coal cellar and a garden.

Was the houſe ready furniſhed?—Yes.

Mr. Peatt. My Lord, if this coal cellar was not in the poſſeſſion of the man, I ſubmit to your Lordſhip that the priſoner had the dominion over the whole houſe.

MARY

MARY COOPER *ſworn.*

I am wife of the laſt witneſs, I live in John-ſtreet, Oxford-Market, I know the priſoner, my huſband has a houſe in Union-ſtreet, No. 6. the priſoner took the apartment of me, not by agreement in writing, ſhe was to have it for two guineas a week; there was a parlour, a firſt floor, a ſecond floor; it is a ſingle houſe, all in front; ſhe had every apartment, except a cellar: I miſſed the things mentioned in the indictment: I ſaw them at Juſtice Hyde's, three weeks after.

Mr. Peatt. Where is this cellar?—— There are three cellars, and this is the further one, a part of a cellar: ſhe had all the houſe, and the cellars, but a cellar in the area, and that has no communication with the houſe, the communication is from the ſtreet, and from the houſe.

Mr. Peatt. My Lord, I beg to obſerve on the part of the priſoner, that it is plain from this woman's evidence, let the way to the cellar be where it will, or from whence it will, that the priſoner had compleat controul over the houſe; ſhe had the key, ſhe took the houſe for the avowed purpoſe of letting lodgings; and the poſſeſſion of that cellar cannot any way be conſidered as the poſſeſſion of the landlord of that houſe.

Jury to Proſecutor. Have you a key of the great door.—Yes, I always had.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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409. CHARLOTTE VEACH was indicted for feloniouſly ſtealing on the 15th of January laſt, one linen ſhirt, value 5s. one linen frock, value 1s. two linen handkerchiefs, value 1s. the property of William Finſham.

SARAH MILLS *ſworn.*

I take in waſhing, I am a laundreſs; on the 15th of January I loſt the things mentioned in the indictment; I was out when they were taken; they hung in my room when I went out, I ſaw them at the pawnbroker's; I knew the priſoner, I have given her many a diſh of tea becauſe ſhe was ſo diſtreſſed.

MARY FINSHAM *ſworn.*

I am wife of William Finſham, I ſent theſe things to waſh.

(The Pawnbroker produced the things which were depoſed to.)

PRISONER's DEFENCE.

On Saturday morning ſhe ſent me out with a frock, and two handkerchiefs for eighteen pence; and ſhe ſent me with a ſhirt, and when I came back ſhe was in liquor verymuch, and I could not make her underſtand.

Court to Proſecutrix Did ſhe come back again?—No, ſhe did not.

GUILTY.

To be confined to hard labour two years in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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410. ROBERT SIMPSON was indicted for feloniouſly ſtealing, on the 22d of February one ſhoulder of mutton, value 2s. the property of John Wright:

And GEORGE RIDLEY was indicted for feloniouſly receiving the ſame goods, on the ſame day, knowing them to have been ſtolen.

JOHN WRIGHT *ſworn.*

I am a butcher, my ſhop is in St. James's Market, my dwelling houſe in Jermyn-ſtreet, I have lived there thirty years; on the 22d of February, when I returned from market between eight and nine, from the information I had, I went and got a ſearch warrant, and took one Price Rounds a conſtable with me, I took him into Ridley's houſe, and I gave him the warrant; Ridley keeps the Red Lion, in Jermyn-ſtreet, he has kept that houſe I believe about four

years; I called for Ridley, and he came to the bar door, I told him I came for a ſhoulder of mutton he had of mine; he ſeemed a good deal confounded.

Mr. Garrow, Priſoner Ridley's Council. Do not tell us what he ſeemed?—I will venture to ſwear that he ſeemed ſurprized, I will venture to ſay he was frightened when I came in.

Mr. Garrow. I ſubmit to the Court, whether ſuch evidence ever was given or endured in a Court of Juſtice, the witneſs comes here and attempts to deſcribe the operations of a man's mind; it is perfectly competent for him to give an account of what the priſoner did, as for inſtance, if the priſoner ſaid you ſhall not look into ſuch a place.

Wright. I ſaid to Ridley, no heſitating, come along with me, I will ſhew you where the mutton is; when I aſked him for the mutton he made no anſwer at all, I then took the conſtable along with me.

Court. Did he follow you, or attempt to run away?——He followed me, he did not attempt to run away.

Did he make any oppoſition to your going into the room?——No, he did not, I went into a little room which is the middle part of the houſe next the parlour, he followed me into the parlour, there was not any body in the little room but the conſtable and myſelf, there I found a ſhoulder of mutton, the conſtable took it to his own houſe.

Had that ſhoulder of mutton any thing remarkable about it?——Yes, Sir, in a ſhoulder of mutton we have always one particular ſcore.

What do you mean your ſheep?—Yes, Sir, the man always marks them all.

Are they all marked with one ſcore?—There may be one ſcore more or leſs, when the ſheep is hot they take and ſcore them three or four, more or leſs.

Are not all the ſhoulders of mutton that you have in your ſhop, ſcored much in the ſame way?——Yes.

Is not mutton in other ſhops ſcored much in the ſame way?——Never, they differ, moſt people differ in the ſcore.

Can you venture to ſwear from the marks of this mutton, that this was ſcored by your people?——Yes, I believe I can venture to ſwear that it was ſcored by the man that ſtole it.

Can you ſwear that you know this to be the ſcore of your ſhop?——Yes, Sir, I can bring you three or four or half a dozen now that are the ſame, they are Dorſetſhire ſheep, and they are moſt remarkable from any other ſheep.

Had you any other ſheep but Dorſetſhire ſheep in your ſhop?——No, none except a few Wiltſhire.

Did this appear to you, to be a ſhoulder of a Dorſet?——Yes.

Would you venture to ſwear that?——I will ſwear it, Sir; I took my man the priſoner Simpſon, to Sir Sampſon Wright's, and the conſtable brought Ridley; the conſtable is here that took him up, and here is a confeſſion of Robert Simpſon; Simpſon went with me to the Juſtice's the day following; I did not ſay a word to him, I told him I wanted him to go with me a little way, Simpſon was my ſervant, he has lived with me thrice, and this laſt time, about ſix or ſeven months.

Did not you give him a hint, which way you were going?——None at all, we went to Bow-ſtreet.

Did he make any objection to going there?——None.

Did not he aſk you any queſtions, all the way going to the office?——Not a word paſſed the whole way.

Who was the Magiſtrate?—Mr. Juſtice Addington.

Was that confeſſion taken in writing?—Yes.

Did you ſee it ſigned by the Magiſtrate, and the priſoner?——Yes.

Was it read over to him?—Yes.

Mr. Chetwood, Priſoner Simpſon's Council. When you was at the office, Sir, was there nothing paſſed between your man and you? No, Sir, I cannot recollect that there was.

It is impoſſible but ſomething muſt be ſaid to him?—All I ſaid to him is this, I aſked him how much gin and beer he had for a ſhoulder of mutton, and he ſaid he could not tell me.

D

Did not you ſay to him, that if he would make a confeſſion, it would be better for him?—No.

I ſuppoſe Ridley was the man you levelled at, not Simpſon?——No, Sir, not one more than the other.

This man had ſome wages in your hand at the time?—How much do you think?

May be eight or ten pounds?——No, Sir, I believe there may be five pounds, or more.

(The confeſſion read.)

"The examination of Robert Simpſon "charged with felony by John Wright, "taken before William Addington, on "the 23d of February:——who confeſſes "that between ſix and ſeven yeſterday morn- "ing, he, this examinant, feloniouſly ſtole "the ſhoulder of mutton now produced, "which he immediately carried to the houſe "of the ſaid George Ridley, and left it in "the parlour telling the ſaid Ridley, he "had left it there; and that he had car- "ried ſeveral ſhoulders of mutton there, "and always received a gratuity in gin and "beer.

Mr. Garrow. Your Lordſhip knows that confeſſion does not at all affect Ridley.

Mr. Garrow to Proſecutor. This priſoner, Mr. Ridley, has kept a publick houſe in your neighbourhood about four or five years?—Yes, this and another before.

Upon your going in and aſking Ridley, whether he had not a ſhoulder of mutton, upon the oath you have taken, did not he immediately ſay, I have a ſhoulder of mutton: was not the conſtable by?——Yes, he was.

Be a little attentive, whether in the hearing of the conſtable, he did not immediately ſay, I have a ſhoulder of mutton and I will ſhew it you?—No, he did not.

Then I am to take it, he did not ſhew you nor tell you ſo; you will ſwear that poſitively?—Yes, I will.

Now as to the mark of this mutton, had you ever ſeen that ſhoulder of mutton, before you ſaw it at his houſe?—Yes, as ſure as your name is Garrow.

What were the marks?—Upon my word I cannot exactly tell you how many marks there were, there might be four or five.

Then there is no particular number of ſtrokes univerſally uſed through your ſhop?—No, not that I know of, juſt as it pleaſes the man who dreſſes them.

You are a killing butcher?—We kill our own meat; the man has always one method of marking, he hardly ever alters it.]

Court. When this examination was taken it was read to the priſoner, was Ridley preſent?—He was not.

Mr. Garrow. Explain to us, who are not fortunate enough to know, the reaſon of your marks?—No, you know the taſte better.

Explain to us the reaſon of thoſe marks? It is only for ornament.

Juſt ſo?—They never hardly vary.

Now Mr. Wright, pray how many ſhoulders of mutton do you think there were in Newport-market that day, that could not be diſtinguiſhed from that by the ſcoring?——I ſuppoſe there might be five hundred for what I know.

So I thought, therefore I need not travel into all the markets in town?—It was Dorſetſhire mutton.

And there were ſo many ſhoulders of Dorſetſhire mutton, that no man can gueſs? No, I ſuppoſe not.

Some hundred ſhoulders?—Yes.

Then for any thing we have been able to learn yet, theſe ſcores might be made on them too?——No! no! no! you miſtake yourſelf, I know my own mutton as well as you know your brief.

Do you ſo, now we will try that a little, I know that by my fee, and by the name of the party, and of the attorney, now have you any ſuch reaſon for knowing your mutton?—I know my own mutton when I ſee it.

Why, how?—I have ſwore it.

That will not do?—I hope the Jury will be ſatisfied.

How do you know your mutton from any other Dorſetſhire mutton?——I know it was my ſhoulder of mutton.

But

But you muſt give us ſome reaſon?——Becauſe I am ſure of it, the ſhoulder of mutton is in being, and we will ſend for it, I will ſwear to it, becauſe I know it.

You muſt anſwer me Mr. Wright?——I ſhall give you may be ſuch an anſwer, that you ſhall not like.

I ſhall take care not to deſerve any ſuch anſwer; but I muſt have a plain anſwer from you: by what is it that you are able to ſwear that is your ſhoulder of mutton?—I know it to be my ſhoulder of mutton, by having it in my ſhop, and in my houſe ſeveral days before.

By what marks?—By the common ſcore that is uſed in my yard, when the man is killing, and by the very ſort of mutton.

Why you have ſaid there was mutton of that ſcore, and that mark, to the amount of five hundred?—No, not as I know.

Yes, but you have?——Then you have extorted *the queſtion* from me, the ſhoulder of mutton is here, and I will ſend for it.

That is no anſwer?—Firſt I know it by the ſcore and by the cut of it.

That ſcore is common to other mutton?—It may for what I know.

PRICE ROUNDS *ſworn.*

I am conſtable of St. James's, on the 23d of February, about twenty minutes before twelve, Mr. Wright came to me, and told me he wanted me to go a little way along with him; I went with him to the houſe of Mr. Ridley, of the Red Lion, in Jermyn-ſtreet; upon my entrance at the door, he gave me a warrant; I followed Mr. Wright into the kitchen, and when we went into the kitchen, Mr. Wright looked into the ſcullery, where the girl waſhes her diſhes, then he looked into the cupboard; I did not know what he was looking for, but he ſaid, where is Mr. Ridley; there were three men in the kitchen by the fire, and one of the men ſaid, I hear him coughing in the tap room; I turned my head in this manner, and I ſaw him through the bar, I called Ridley, and he came immediately; upon his entrance, Mr. Wright ſaid, Mr. Ridley, I underſtand you have a ſhoulder of mutton of mine here; Mr. Ridley and Mr. Wright both went, Mr. Ridley took hold of a braſs nob, that there is to open the door of the kitchen, I cannot ſay which turned it, but they both had it in their hands together; Mr. Ridley ſaid, there is a ſhoulder of mutton has been left here theſe two days, I do not know who it belongs to, and he ſaid he had no charge of it, nor did not know how it came there, but it had been gnawed by the cats, by being laid about; I ſaw it, and it was gnawed: Mr. Wright took it in his hand, and turned it about, and ſaid Mr. Rounds, this is my property, I deliver it into your cuſtody, and he gave it to me, as conſtable; I took it into my own houſe, Mr. Wright deſired me to take care of it, and he would meet me at one o'clock, I ſaw him about one, and he ſaid I will go and get Bob and the boy to the office, and do you bring Ridley and the mutton; by Bob and the boy I underſtood that this man's name was Robert.

How ſoon after was it that you took Ridley, to carry him to Bow-ſtreet?——About an hour and half.

When you came to take Ridley, did you find him at home?——Yes, I went in and ſaid, Mr. Ridley can you boil me this bone of mutton, it is two raw for me, his wife ſaid there is ſome veal and bacon and peaſe for dinner, if you will wait you are welcome; I did not tell him then, I told him after he muſt go along with me, about the ſhoulder of mutton, and he ſaid he would, he went very agreeably.

Was you before the Magiſtrate?—Yes, all the time all the evidences were examined; the ſhoulder of mutton was openly expoſed, it lay on the top of a bureau bedſtead, without any paper, or cloth, or anything.

What room do you call it?——As that may be the tap room, and this the kitchen, it is a middle room, there is a window that looks into the tap-room and the kitchen, there is a bureau bedſtead in it.

Mr. Garrow. I believe Ridley remained in his houſe doing his buſineſs, ſometime before he went with the man?—Yes.

I ſup-

I ſuppoſe this is the boy's bed room, is not it?——Yes, I live the very next door to Mr. Ridley, he has kept the houſe about four years.

Is it an orderly well governed houſe?—I do not know one ſo well governed in the neighbourhood, I believe I am the only perſon that has a complaint againſt him, and on Saturday night he has a pay-table, and the men ſtay till eleven at night, and the men come and piſs againſt my door, which is a private houſe; he bears a very good character, he had a very comfortable dinner to ſet down to that day.

He is not a ſort of man that uſually puts his own mutton, and things that he has to eat on the boy's bed?—No.

CHARLES GOSLING *ſworn.*

Court. How old are you?—Turned of thirteen.

Do you know the nature of an oath?—I ſhould not ſay any thing falſe.

What will become of you, if you do not tell the truth? *(No anſwer.)*

Do you know your catechiſm?——Yes Sir.

What will become of you, if you tell ſtories? *(No anſwer.)*

What becomes of bad boys that tell ſtories?—I do not know, I cannot read.

Court. Then I certainly ſhall not receive his evidence.

JOHN WRIGHT, *Jun. ſworn.*

I am ſon to Mr. Wright the butcher, in St. James's Market; in conſequence of a ſlight ſuſpicion, on the 21ſt of this month, and a poſitive information, I examined the ſhoulders of mutton in my father's ſhop, on Monday morning about nine, and there were nine in number; the firſt thing that particularly ſtruck me, was that one of the ſhoulders of mutton was very near tumbling down, which ſhoulder was the firſt that I examined, on the back of which was ſix ſcores; it had been pretty much ſtrained in the cutting up, and on the upper part, which is called the point of the ſhoulder, the piece of marked fat was not cut off by me, as uſual; this ſhoulder of mutton was the largeſt in the ſhop, it was cut on the Saturday before, and owing to the ſharpneſs of the weather, was very dry; I examined the other ſhoulders of mutton particularly, and there was not a ſhoulder of mutton in the ſhop, with ſo many ſcores upon it, as this one which I am now mentioning to you; there was one which was particularly ſmall, that I did not take much notice of, it was a Welch one, about three pound, I did not examine the remaining ſix ſo much as I had done them two, and this was the reaſon why I did not examine the others, becauſe I expected one to be taken that night, and then I ſhould have had the fellow to it, theſe were my general obſervations that night, upon which I ſhut the ſhop door, and locked it, and took the key home, and laid it on a ſhelf in the kitchen; Simpſon ſleeps in our houſe, I ſpoke to him that night, juſt before I took the keys, the next morning when I got up, one of the ſhoulders of mutton was miſſing, that was the one I looked at the night before.

Is it uſual in the trade, for people to leave half a foot?——It is, or it is not, the mark in the foot was done accidentally, not by way of diſtinction; I am poſitive it is the ſame mutton, I undertake to ſwear to it; I beg leave to obſerve in behalf of the priſoner, Robert Simpſon, that I have truſted him with ſeventy pounds at a time, and he has carried it very ſafe for me; I ought to ſtate to you, that General St. John was here this morning in his behalf.

Mr. Chetwood. There were times when you and your father were abſent from the ſhop?—Yes.

Had not he a liberty of ſelling?—Yes, to ſell and ſend to the cuſtomers, if we were not in the way.

Mr. Chetwood. My Lord, I humbly apprehend, that notwithſtanding the manner in which this paper is obtained, it will not at all affect the priſoner Simpſon; it is proved by Mr. Wright himſelf, that he had a liberty of ſelling the meat, and your Lordſhip remembers, in the caſe of Smith, he having a liberty to diſpoſe of the corn of his

his master, the Court determined that he could commit no felony upon it; the manner of drawing up these confessions at the office we all know, and I apprehend that in this case, he having a liberty to sell the meat of his master, could not commit a felony upon it.

Mr. Garrow, on the part of Ridley, also argued on the same side.

The Court over-ruled the objection.

Mr. Garrow. My Lord, though I do not call any witnesses to Ridley's character on this transaction, yet for the sake of his character in future, and to shew the nature of this prosecution, I will trouble the Court with a few witnesses, out of a great many.

THOMAS PRESTON *sworn.*

I am a brewer in Oxford-street, Ridley has dealt with me for six years, a very honest man, I lent him three hundred pounds at one time, to go into the Red Lion, which he paid me again.

WILLIAM HANSON *sworn.*

I am a grocer, the corner of Chancery Lane, and a distiller in Stanhope-street, I have known him about four years, an exceeding good regular steady man.

ROBERT SANGSTER *sworn.*

I am clerk to Mr. Whitebread the brewer, I have known him four years, his character was so good, I would have intrusted him myself.

He was not a man likely to have been the receiver of a stolen shoulder of mutton? ——One of the last men I should have thought on.

The prisoner Ridley called seven more witnesses who all gave him an exceeding good character.

Court. It is needless to call any more witnesses for Ridley.

GEORGE RIDLEY, NOT GUILTY.

ROBERT SIMPSON GUILTY.

To be whipped and discharged.

Tried by the first Middlesex Jury before Mr. ROSE.

411. WILLIAM SMITH was indicted for feloniously assaulting Eleanor, wife of Edward Hatton, on the King's highway, on the 10th of January last, and putting her in corporal fear and danger of her life, and feloniously taking from her person, and against her will, one pair of silver shoe-buckles, value 30s. the property of the said Edward.

ELEANOR HATTON *sworn.*

I live in Hanway-street, in the parish of St. Pancras; I am wife of Edward Hatton; on Friday the 14th of January I was robbed, between eight and nine, in Hanway-street, there were several people in the streets, two of whom are in the Court, I had been for a pair of silver buckles, they were very large, six inches and a half long; my husband is a silver buckle maker, and I had them to finish; I was standing at the corner of the street cheapening some sprats, and I was tapped on my right shoulder, and I thought it was some acquaintance; I turned about immediately, and the buckles were forced out of my right hand.

Court. Were they snatched out?—Yes.

Was any body else near you?—The two witnesses that are here were close behind me; the man then ran across the road, and I cried out, I have lost my buckles.

Was the person pursued?——No, not then, I was so frightened I knew not what I did; I went home first, I live just by there, and one of the witnesses lives just by me; I described the person and clothes of the prisoner, and I went with my husband and the constable in pursuit of him, but he was not taken till Sunday the 16th, between three and four; I went with the constable to the watch-house, to see if I should know him, and I went with the witness to the watch-house to see the person; and I believe he was laid down, and they made him get up; and I think, to the best of my knowledge, that he certainly is the lad that robbed me.

Can you venture to swear to him?—I cannot say I saw his face, but by his stat-

true and all appearances he certainly is the perſon.

Court. How long was he before he was out of your ſight?——It is a very broad croſſing where he croſſed, and he did not run very faſt; I did not ſee his face; my property was not found.

JOHN LANE, a little Boy.

Court. How old are you?——Going on eleven.

Do you know the nature of an oath?——Yes.

Have you ever been taught your catechiſm?——Yes, and if I take a falſe oath I ſhall go to the devil.

JOHN LANE *ſworn.*

Court, Now tell the truth——I ſaw the priſoner running down Bambridge-ſtreet; my mammy ſent me out for ſome ſprats for her ſupper, about the hour of eight, and I ſaw the priſoner and another in company, the corner of Hanway-yard.

Did you ever ſpeak to William Smith before, do you know the boy?——No, Sir, I only know the boy by carrying an old man victuals; I uſed to carry an old man victuals, and I have ſeen him walking up and down the ſtreet; I have ſeen him five or ſix times.

Did you ever ſpeak to the boy?——No.

How did he uſe to be dreſſed?——In a blue jacket and a brown pair of breeches.

Court. See what breeches the priſoner has on?——*Mr. Newman.* Dirty leather breeches.

Court. What ſort of breeches do you mean, leather breeches?——Yes.

How many days was this before the affair?——About three days before.

What part of the town was it that you ſaw him in theſe five or ſix times?——About Bambridge-ſtreet.

Was Bambridge-ſtreet near Hanway-ſtreet?——Yes.

What diſtance is there between Bambridge-ſtreet and Hanway-ſtreet?——It is about fifty yards apart.

Did you ſee the boy do any thing in Hanway-ſtreet?——I ſaw him look over Mrs. Hatton's ſhoulder, and I ſaw him tap her over the right arm, and ſhe turned round to look, and he ſnatched a parcel out of her right hand.

Did you know Mrs. Hatton before?——I knew her before, becauſe ſhe kept a pork ſhop on one ſide of Oxford-road, and my mother uſed to buy pork of her.

Which way did the priſoner run?——Across to Bambridge-ſtreet.

Could you ſee what it was he ſnatched?——It was a parcel in a light blue paper.

Was it dark?——Yes.

How came you to ſee him?——There were two link boys ſtood each ſide the baſket.

Did you ever ſee the boy afterwards?——No, not till he was taken.

Where did you ſee him when he was taken?——On a Sunday night, at the watch-houſe.

Did you know him?——Yes.

Did you ſay ſo immediately?——Yes, I knew him immediately when I ſaw him.

Can you, upon the oath you have taken, ſafely ſwear that he is the boy?——Yes.

How far was you from him?——I was ſtanding at the end of the baſket, the priſoner was behind Mrs. Hatton, and ſhe was cloſe to the baſket.

Do you live with your friends at home?——Yes.

Do you go to ſchool now?——No.

What are your friends?——My mother is a mantua-maker.

What is your father?——He is not living.

Where does your mother live?——Near Bedford-ſquare.

One of the Jury. His mother is a very honeſt woman, my Lord, I know her and the boy very well.

——— JONES *ſworn.*

I am a lamp-lighter, coming by with the lamps, I have ſeen him with other boys, I have known him almoſt two years about St. Giles's pound, I was going by with two lamps of my maſter's; I had no light in my hand, but I am ſure this is the ſame boy,

boy, I have seen him frequently before, he lives at an oil-shop in our lane.

Did you know Mrs. Hatton before?——Yes.

How could you see this?——There were two link-boys standing on each side of the basket, and there was the light of a candle that was about a yard off in the passage, I saw the prisoner pat her on the shoulder, and force them out of her hand; I followed the boy immediately, he walked across the way when he snatched them out of her hand, there was another boy on the other side of the way; he was not taken till Sunday, between three and four; he got away, he said he would break her arm if she did not loose him.

Do you mean the prisoner at the bar?——Yes.

How was the boy dressed whom she had by the arm.——He had a blue jacket, and a round hat.

Was it Smith that tapped her on the shoulder, and took the bundle?——Yes, it was.

And the same person that she laid hold of by the arm?——Yes.

Are you sure of that?——Yes.

How was the other boy dressed?——I did not see the other boy, he was the farther side of the road; I could not tell what clothes he had on.

Did you see Smith's face at the time he tapped this woman on the shoulder?——Yes.

Now did you see Smith's face at the time that Mrs. Hatton laid hold of him?——Yes, it was the same night.

Mrs. Hatton followed him immediately?——She went to her husband first, and came back again.

How long after was it that you saw Mrs. Hatton in St. Giles's?—About half an hour, she took hold of him as he came out of the door where the two thieves went into.

In what street was this door?—It is a new street just as you get into St. Giles's, she said, I want my buckles.

That person that you saw her have hold of his arm, coming out of the door, was that Smith the prisoner?——Yes.

You have seen his face now and you saw it then?—Yes.

As you followed the prisoner Smith, you can tell us into which street he took?——I cannot tell the name of the street, it is about a hundred yards to the passage.

Court to Prosecutrix. If I understand you right, after the boy had robbed you, he went across the street, you did not pursue him, but went home?——Yes.

Then you never saw the boy till Sunday?——No.

What do you say to this part of the evidence, that this boy says, that you saw him at the door, and took hold of him by the arm?—I went in pursuit of him with my husband, I went down into a street by the Flying Horse, and the boy laid hold of my arm as I held it across the door, and he swore he would break it.

How was that boy dressed?——I absolutely cannot tell, for there was a very little light in the passage, it was between the passage and the door.

Now you told me just now that that was not the prisoner at the bar?—I said, I cannot swear that that was the prisoner, that said, he would break my arm, because it was not very light.

How came you to tell us upon your first examination that you never saw any thing of the boy till Sunday?—I did not know it was material, or else I would have mentioned it before.

That boy that you saw in this street, do you believe it was the same boy?——I cannot tell, for there was hardly any light, it was between the dark passage and the door.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 23d of FEBRUARY 1785, and the following Days;

Being the THIRD SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Smith.

Did you ever entertain a notion, that it was the ſame boy?—I rather imagined that it was, becauſe I heard a paper rattle in the paſſage, which I imagined had the buckles in it.

Court to Jones. It was dark in this paſſage?—One of the link boys came along with the woman, and ſhe ſaid ſhe would give him three halfpence if he would ſhew her a light, and he ſhewed her a light.

The link boy did not come, till after they had made the eſcape?—No.

Was the link boy with her?—Yes, Sir, he followed her away from where the ſprats were, the boy went down the paſſage, and ſhe took the link out of his hand, and held it at the door; I went into this ſtreet with Mrs. Hatton and the link boy, and Jones was there, the link was always alight, and he kept poking it to make it give a good light, ſhe run up to the door with the link in her hand, and ſtood acroſs it, and there were two boys hid up the ſtairs, I ſaw them by the light of the ſtairs, and they ſaid, let us go down, and ſee what is the matter, for I will not ſtay here; and they came down, and Mrs. Hatton held her arm acroſs the door, and ſhe ſaid they ſhould not come out, and ſhe inſiſted on their ſtopping there, and they ſaid if ſhe did not let them paſs they would break her arm.

Did either of them lay hold of her arm?—They took hold of her arm in this manner, and puſhed it.

Which was that?—The one in the blue jacket.

Was Smith either of theſe boys?—I do not think it was.

Had they both blue jackets?—No, one had a light coloured coat, and one of them run up againſt me, as I ſtood right oppoſite the door, and puſhed me down, one walked away, and the other run, and then they both walked together, till they both got out of ſight.

JOHN TAYLOR *ſworn.*

I only went with Mrs. Hatton to ſhew her the priſoner, when ſhe ſaw the boy, ſhe ſaid I am not quite ſure, whether that is the boy, ſays I, ſtand up and let the woman ſee you, ſays ſhe, I am almoſt ſure it is the boy.

GEORGE MECHAM *ſworn.*

On Saturday I had information that Mrs. Hatton

Hatton had been robbed, as the prisoner was described to me, I thought I knew him, on Sunday the 16th, I apprehended him at the King's Arms alehouse, he wanted to make his escape over a wall.

Prisoner. I know nothing of the transaction.

GUILTY

Of stealing, but not privately from the person.

Transported for seven years.

Tried by the second Middlesex Jury before Mr ROSE.

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412. WILLIAM CHANNING was indicted for feloniously assaulting Hans Christian Arrhenius in the King's highway on the 8th day of January last, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one watch with the inside case made of base metal, and the outside case made of tortoiseshell, and gilt with gold, value 40s. a hair watch string, with gold set therein, value 10s. a gold watch hook, value 8s. one base metal watch key, value 1d. and one silk handkerchief, value 12d. his property.

HANS CHRISTIAN ARRHENIUS *sworn.*

I live in Mincing-lane.

Are you a house keeper?——No, I live at Knightsbridge, my counting house is in Mincing-lane, I am a merchant; on Saturday the 8th of January, I was robbed between ten and eleven at night or thereabouts, I cannot exactly say.

Court. I should be glad if you will fix with as much precision as you can, the time that you was robbed?—When I came out of the play-house.

Did you happen to look at your watch at that time?—In the play-house to the best of my recollection I did.

Can you say with certainty, upon your oath, that you did look at your watch while you was in the play-house?——I cannot.

What were the play and the entertainment?——I do not recollect.

I wish to ascertain the time by that, did you come out at the time when other people came out?——The play was over, and I came away with the rest of the company, I was crouded and jostled by a number of people, I came away to the end of the Piazza, which goes to Russel-street, I ordered my carriage to that end in order not to be crouded; as it rained, I stepped back again under the shelter, till it came up, then this croud gathered round me, and my pocket was picked.

Describe in what manner a croud came round you, you know pretty well coming out of the house, there are a vast number of all sorts of people, girls of the town, and all sorts, what sort of a croud was this?—Such as generally are assembled at the coming out of the house; I can say no more than that I lost my watch and pocket handkerchief; I felt the watch taken out of my pocket, I caught hold of an arm, but the croud forced my hand from that arm.

At the time that you felt your watch go, and caught hold of an arm, you did not perceive any thing more done to you, and the person slipped away?——Yes.

Did you ever find your watch afterwards?——It has been produced to me.

Who produced it to you?——One Mr. Jones, a pawnbroker, in Fleet-street.

Describe the watch you lost at that time?—It was a metal watch, with a moco tortoiseshell outside case, and inside case made of base metal.

In that croud you can swear with certainty, that you felt your watch fall from you?——I did.

Can you tell when last you had your watch in your hand that day?——I cannot tell.

Had you had it about you that day?——That I am confident of.

When did you last see your handkerchief?—Occasionally at the play-house.

When you saw your watch again, did you

you ſee it with the key and trinkets mentioned in the indictment?—No, my Lord, the ſeal and hook are gone, and the key was there then.

Can you identify the watch?——Only by the wearing it now and then, when I went to dangerous places, I kept it for that purpoſe juſt to ſee the hour.

How long might you have had it?——I fancy about a year, or a year and a half, or two years, I cannot exactly ſay.

Was there any paper on the inſide, that you can ſwear to?——I can ſwear to the watch by ſight.

I underſtand you did not diſtinguiſh any perſon at all?—No.

Jury. Did your ſee the face of the perſon whoſe arm you took hold of?—No, if I did, I cannot recollect who he is.

Mr. Garrow, Priſoner's Council. Had you your glaſſes on, Sir, at that time?—I cannot ſay.

I think I obſerve by the make of your glaſſes, that your ſight is very ſhort?——Yes.

This was in the uſual croud that comes out of the play-houſe?—Yes.

You felt your watch go, and immediately ſeized an arm, which you concluded was the arm that took your watch?——I thought ſo.

You have no reaſon to believe that you ſaw the priſoner at the bar at all in that crowd?—No.

Now, as to the watch itſelf, my Lord has aſked you, whether either by the maker's name, or the number, or any lady's work, or any thing elſe, you can identify it?——No; I have the name and the number.

Court. Can you deſcribe the hair ſtring?—There is a ſwivel and top made of gold, I know the ſtring, I can ſwear to the ſtring.

Mr. Garrow. There are many hundred ſuch ſtrings as theſe in London?—Poſſibly there may.

You have, I have no doubt, a very firm perſuaſion that that is your watch?——I have.

But there are no particular marks by which you can diſtinguiſh that from another tortoiſeſhell watch, and that ſtring from another hair ſtring?—No, there are not.

Do you think it was nearer ten than eleven, or eleven than ten?—I ſhould rather gueſs it was nearer eleven.

What houſe was it at?—Covent-Garden.

You cannot recollect the performance?—No.

There was no perſonal violence addreſſed to you, only the ſhoving of the crowd, as I underſtand it?—No.

You felt your watch go?—Yes.

JOSEPH LITTLER *ſworn.*

I am ſervant to Mr. Jones, pawnbroker, in Fleet-ſtreet; that watch was brought to our ſhop to pledge, I have had it ever ſince it was brought; I ſpeak with certainty to the watch; it was brought and put into the witneſs Walker's hands, but I cannot ſwear by whom it was brought; I believe the other witneſs will ſwear to him.

Was you preſent when it was brought?—I was preſent, the other witneſs took it from the hands of the perſon that brought it.

Was you attending to other people at the time?—I was.

Have you any notion of the perſon at all?—I did not take any notice, the witneſs Walker took the watch out of the hand that brought it, and aſked him how much he wanted upon it; the anſwer was a guinea and a half; the other witneſs firſt looked at the watch, and then put it into my hand, to know if a guinea and a half would be lent upon it; I examined it, and thinking the mounting of the ſtring to be gold, I went and aſked the perſon whether the mounting was gold; his anſwer was yes; then I ordered the witneſs to lend the perſon a guinea and an half; the money was given, and the perſon went away.

Court. What may the value of this watch be?—The firſt coſt might be about three guineas and an half.

What day was this?—On Monday the 10th of January, in the afternoon, the hour I cannot poſitively ſay.

Can you at all say what time in the afternoon?—I looked at it by the light of a candle, it was rather a dark day, the candle might have been lighted since three o'clock, but as far as I can say, it was from three to six.

Look at the watch, will you swear that was the watch?—Yes, this is the watch.

When it was brought to you, was it in the condition it is now?—No, it was excepting the glass, which is broke by accident, waiting here on Monday last.

There is a hair string to it?—Yes, there is a common metal watch key upon the string.

Is it one of those keys that hang down loose, or is it a strait stiff key?—It is a stiff key.

Mr. Garrow. Where is your shop?—The corner of Wine-office-court, Fleet-street.

Have you no windows but the windows in Fleet-street?—No.

That is not a large window?—Not very large.

And pretty full of goods?—Yes.

Can you ascertain the time this happened?—From three to six.

That is taking a large scope?—It was between dinner time and that time, I am sure of that.

Is your shop divided into little boxes?—Yes.

The purpose of which is, that persons who are distressed may not be exposed, but may come into rather a darker place than ordinary; in the box it is dark, so that a person standing in the box is not very conspicuous; my observation is that the object who is in the dark, is not so visible to persons in the shop, as the person in the shop is to them in the boxes?—He was well dressed, I had not the least suspicion of him.

Did you know the prisoner before this?—I do not know that ever I saw him.

The person that did bring it took a duplicate?—Yes.

Now is not it the constant course of the trade, for persons pledging things to take duplicates?—No, it is the common rule, he was asked if he would have a duplicate.

Why they commonly ask them, whether they chuse to have a duplicate?—Some people do not wish to have the care of a duplicate.

Those who decline having a duplicate, come under very suspicious circumstances, for they do not chuse to have a duplicate found upon them?—I do not see that, because a person might take a duplicate, and tear it at the door going out, some that know the shop never do take duplicates, but strangers usually do.

Was you one of the persons that went to the prisoner's lodgings?—I was not.

WILLIAM WALKER *sworn.*

The prisoner came to our house on Monday the 10th of January, the corner of Wine-office-court in Fleet-street.

Was it Mr. Jones's?—Yes.

What time was it?—I really cannot swear to the time.

Can you give any sort of description of the time?—It was after dinner, I cannot swear to the time.

Will you swear it was after dinner?—I will swear that.

What time do you usually dine?—About three; the prisoner asked me a guinea and an half upon his watch.

Did you ever see the person of the prisoner before?—I cannot say, I may have seen him.

Then he was a stranger to you at that time?—Yes, Sir.

Upon what did you lend him a guinea and an half?—Upon that watch with the gold hair string; he told me the string was gold; I carried the watch to my partner Joseph Littler, and asked him if that would do for a guinea and an half; I told him the string was gold mounted; my partner took the watch, and examined it, and took it opposite to the box where the prisoner was, and he asked him if the string was gold mounted, and he told him yes; and my partner bid me give him a guinea and an half; which I did, and he bid me give him a duplicate; I gave him one, and I asked him

him where he lived; he told me No. 20, Jewin-ſtreet.

What part of the town is that in?—I really do not know, I gave him the duplicate, and he went away.

Court. How many boxes may there be in your ſhop?——Three.

Can a perſon at any part of the ſhop, ſee into all the three boxes at one time?——No, not without they go nearly oppoſite.

How many candles had you in the ſhop?—I do not know, I believe there was but one, night was not come on, candles had not been lighted.

Can you tell me from your recollection, whether that candle was near the box where the man ſtood, or the other part of the ſhop?——It was near the box.

Was it oppoſite the box?—It was not exactly oppoſite, it was oppoſite the next box to it.

How long might the man be in the ſhop altogether?—Not above five minutes.

Had you any ſuſpicion of that man?—None in the leaſt.

Then you made I ſuppoſe the common obſervations upon him, juſt as uſual?——Yes.

Now will you venture to ſwear from the ſight you had of him, that the priſoner at the bar was the man?—I have ſworn it, he was the man.

Jury. Was there a counter between you and him?—Yes.

How broad?—About a yard broad.

Mr. Garrow. And what is the depth of the ſtall, from the edge of the counter to the door where they come in?—About the ſame width, or a little more, it is ſufficient juſt to take one perſon, it has a ſlide to come over one of the counters, but that is drawn up when we pleaſe.

Was that ſlide drawn up?——But very little.

Look at the watch?—This is the watch.

Court. How was the man dreſſed?—In a lightiſh coloured coat and a red waiſtcoat, with a round hat.

Was his hat on?—Yes.

Mr. Garrow. Mr. Walker, now raiſe your voice, and attend to me, is yours a ſhop of conſiderable buſineſs?—Yes.

Watches are as common pledges as any thing?—Yes.

How many watches do you think you might have taken in pledge, in the courſe of the ten days preceding the day you have been ſpeaking of?—I cannot tell how many, ſometimes one or two in a day, ſometimes ſeven or eight.

Do you remember the name of the man, that pledged a watch at ſix the day before?—I do not recollect that I took in one.

Do you recollect the one the day after?—It is impoſſible.

If you took in one, do you recollect the perſon of that man?—It is impoſſible.

Do you recollect the name of the perſon that brought in the laſt pledge before the watch?——I cannot recollect any thing of the kind.

But you know upon this, there is ſomething depends, for a highway robbery there is a reward?—I did not know that at the time.

No! Mr. Walker?—As to that, I did not go to ſwear for that.

Oh! God forbid that I ſhould ſuſpect you of that! you had no ſuſpicion of the man that brought you this?—No, but we look at every perſon that pledges any thing for a high ſum.

Yes, and you look at them ſo well, that you forget every one but this man, and this is a high ſum?—Yes, it is.

You had one candle, you had not lighted up the decoys at that time?—No.

The ſlide was pulled over upon the counter?—Yes, but I went oppoſite to him.

Had the man a round hat?—Yes.

That did not aſſiſt you to recollect him much?—No.

Cannot you ſwear that he had a bald head?—No.

(N. B. The Priſoner had a bald head.)

I thought you might have ſeen that through his hat; cannot you recollect no

what time a little more particularly?——I cannot.

I believe you was the young gentleman that went to the prisoner's lodgings?——Yes, Sir, I was.

Did you find any of Mr. Arrbenius's seals there?——I was not searching, I staid in the passage.

Did not you go in before the search warrant was executed, and hold some conversation with the prisoner?——Jealous went in.

How long were you and Jealous consulting in the passage?——We were not consulting.

Do you mean to swear, that after Jealous and you had been into this room, that you did not go out together before you came in, and ask for the keys of the box. Do you mean to swear that you immediately knew this man, and that you told Jealous so?——Yes.

Upon your oath, did not you want to change his clothes?——No.

Do you mean to swear that in your presence he was not ordered to put on his other clothes?——He was not, nor I did not see him change his clothes.

Did not you tell Jealous that that man was not in the clothes, that the man was in that pawned the watch?——He was in the same dress when I went in, he had a light coloured coat, and a red waistcoat on; that I did not tell Jealous that was not the man nor the dress.

For what purpose was he to change his clothes?——I did not know he did change his clothes.

Did Jealous carry you to the prisoner's house?—Yes.

Who directed you to the house?——Jealous, by the description that me and my partner gave at Bow-street, he said he had suspicion who the person was, and I should go with him.

The first person that you saw you plumped upon?—There was nobody in the room but himself.

That will not do, did he shew you any body else, before he shewed you the prisoner?—He did not.

And the moment he shewed him to you, you plumped upon him?—Certainly.

Where is his house?—No. 4, in New-street, Gough Square.

Jury. When you take in a pledge you register it?—Certainly, the name and place of abode.

Court. About what time did you see him there at his house?——About ten in the morning, the Thursday after.

Mr. Garrow. Who first discovered this watch at your shop?——My partner and I looked over the hand bill that came in on the Wednesday, and in particular we observed this watch.

Have not you a hue and cry every Monday?——Yes, but it did not come on the Monday, it came on the Wednesday, we have a paper from Bow-street every week.

That paper ought to come on Monday?——Yes, but it did not come till Wednesday.

Jury. Does it usually come regularly?—Yes.

Court. Will you swear that that paper did not come in till the Wednesday?——I will.

Do you ever recollect this paper, which is stated to come out of a Monday, coming out of a Tuesday or Wednesday?——I do.

Mr. Garrow. Are you sure it was Thursday, and not Friday, that this man was apprehended?——It was Thursday, I am sure of it.

You know it would have been very gross conduct in you, to have taken in a watch that was in the hue and cry paper?—Certainly it would.

But of course, if the paper came in on the Wednesday, you took it in very harmlessly on the Monday?——We were both reading it on the Wednesday.

Jury to Littler. What time did the paper come in, do you recollect?—It came in on the Wednesday.

What

What time in the morning?—At twelve within a few minutes as I recollect.

Whose duty is it to deliver it?—One of the officers of Bow-ſtreet, his name is Maynard.

Did you read it together?—Yes.

What did you do in conſequence of that reading?—I went to Bow-ſtreet, and deſcribed a tall thin man.

Priſoner. I would only obſerve one or two things; the witneſs declares I was taken on the Thurſday, I was taken on the Friday; he ſolemnly declares my coat was not ſtained, the coat I had on was a pea green coat; the officer ſearched my drawers particularly over; I aſked him ſeveral times with what view he ſearched, he ſaid you will know preſently; he then ſaid have you any other place where you put your property, I ſaid I have a cheſt up ſtairs, he went up there and looked about, he then immediately came into the parlour with me, and ſaid take off that coat you have on, and put on this drab coloured coat, which I did.

EDWARD LUCAS *ſworn.*

I am an officer, I know the priſoner.

Do you remember ſeeing him at any time in January, on a Saturday?—I do, it was on Saturday, the 8th of January, I had been at the public office, in Hyde-ſtreet, Bloomſbury, I had been there moſt of the afternoon, and between eight and nine at night, I went to the corner public houſe, when I went in, I ſaw Mr. Haywood the landlord, Mr. Humpage, the priſoner, and ſomebody elſe; they were drinking a large bowl of punch in the tap-room; I was aſked to drink by Mr. Humpage, which I refuſed, and the priſoner got up and handed me a glaſs of punch.

Was the priſoner a ſtranger to you?—I have met him ſeveral times before at that houſe, I drank it, and ſat down at the next box on the other ſide, and called for a pint of beer, and ſmoaked my pipe till half paſt twelve at night; here is a memorandum I made as ſoon as I heard he was taken up, he was there till paſt twelve, when I came away went; I went up ſtairs, for I lodged in the houſe at that time.

—Now from the time when you firſt went in, till twelve o'clock, was the priſoner at all abſent?—He never was out of the houſe, he was holding a converſation about ſomething, I forget what, I am ſure as to the night; I heard it a few days after, that he was taken up, and I began to recollect, and made this memorandum as ſoon as I heard it.

Did you make that a few days afterwards?—I did, I believe the very day he was taken, I am poſitive of the day, I have no doubt in the caſe.

FRANCIS HUMPAGE *ſworn.*

I am an officer belonging to Juſtice Walker's; I was at the Yorkſhire Ale-houſe, juſt by Juſtice Walker's, on this Saturday, I am ſure to the day, I remember being there in the evening, and ſeeing the priſoner there, I ſaw him from between ſeven and eight, till paſt twelve in the morning, he was drinking, we had a ſix ſhilling bowl of punch in the tap-room, and I remember Lucas coming in, and ſitting next the priſoner; I aſked Lucas to have a glaſs of punch, and I remember the priſoner handing it to him; we continued drinking the punch till almoſt ten o'clock, then we had ſome beer, he continued till paſt twelve o'clock, when we all got up to go home, I am ſure the priſoner was never out of the houſe two minutes.

You are ſure he never was out of the houſe for ten minutes together?—I am ſure he was not, he had a fowl with him, which he aſked Harwood for when he was going home; Harwood drank ſome of the punch; I remember ſeeing Channing after that, on Monday the 10th of January, I ſaw him then at the ſame houſe, he was there between two and three in the afternoon, he was drinking a pint of beer, and ſmoaking his pipe after dinner; he ſaid there

there till about three, and somebody said here is your brother coming for you, he said, he did not want to see him; I believe they had had some words, and he came to the door, and gave him a letter, and he sat by the fire, and he read it by the light of the fire, and when he saw it, he said what a fool I was to turn my brother away, here is a letter, that was about four o'clock.

Court. Who was in your company that evening?—Lucas, Channing, and one Lewis a dealer in colours, and two or three more.

Lucas. My Lord, I remember particularly, on the Saturday about twelve, I was very cold, and wanted a drop of purl, and the prisoner said, Mr. Lucas, if you will have a pint, I will join with you.

RICHARD HARWOOD *sworn.*

I keep the Yorkshire Alehouse, in Hyde-street, I remember seeing the prisoner at my house, on the 8th of January.

At what time did he come?—At about seven, or between seven and eight, he staid there till the watch was going past twelve; he was drinking punch, and smoaking his pipe; there was Humpage, Lucas, and Lewis, I made them a six shilling bowl myself, and drank some of it myself.

Are you able to say, from eight o'clock till twelve, the prisoner was never out of the house?—He never was out till nine, and about nine I sat down and smoaked my pipe till he went away; from nine till twelve I am sure he never was absent for two minutes together; I am positive to the day, because he begged me to buy him a fowl for the next day, I accordingly bought him one in the forenoon of the Saturday, and hung it up in the bar, and about twelve at night he took his fowl and went home.

Court. Where does he live?—I cannot say, all that I know of him is his coming to my house.

Mr. Garrow. Your house is famous for Yorkshire ale?—Yes.

Court. Can you speak with precision as to this being Saturday night?—Yes, I am sure it was Saturday night, because of the fowl, for I only buy them of a Saturday.

Jury. What might the salesman's name be?—Kirby, he lives in Red Lion-street, and keeps a shop there.

CHARLES LEWIS *sworn.*

I live in Oxford-street, I am a miniature painter, in enamel and water colours, I am a married man and have a family, I rent the best apartment in the house, which is a first floor, I remember the prisoner from a child, and I remember seeing him on this Monday, the first time to my knowledge since I have seen him for these two years and an half.

Where did you see him that day?—At a house, which I believe they call the Yorkshire alehouse, in Bloomsbury Market, I believe it is a corner house, it goes by the name of the Yorkshire alehouse; I never in my life frequented it, but I went there that day from a certain circumstance; having known the prisoner from a child, and consequently knowing his parents, I knew a younger brother of his, and he having had some dispute or quarrel with his elder brother, the prisoner, he solicited me to endeavour to make friends between the two brothers; willing to lend every aid and assistance to a youth in distress, and not having seen the prisoner, nor spoke to him for two years and an half; I took my pen and addressed myself to him, this was on the Monday, desiring the prisoner would be so obliging as to appoint me to see him, at any house that was most agreeable to him; the bearer of that letter returned to me, who is brother to the prisoner, and told me that the wrath of his brother was such that he had not opened the letter in his presence.

Did the brother tell you where he carried that billett to?——Yes, to the Yorkshire alehouse, near Bloomsbury Square, and as far as I can remember at Mr. Harwood's; upon which I thought it was rather unpolite not to answer the billet in any gentleman;

I went to the alehouse between two and three, and found the prisoner there; I continued with him in the back parlour, conversing with him about his brother, from a quarter past four till a quarter past five, or rather more.

What business is the prisoner?—He is an engraver, I have employed him in his profession.

THOMAS SHERBON *sworn.*

I am an engraver in Craven-street, in the Strand, the prisoner served the last five years of his time to me and my partner, who is now out of business.

Have you known him lately?—I have employed him since his time has been out; during the time he was apprentice, he was intrusted with property to the amount of many thousands; he was very honest and diligent.

WILLIAM MERCHANT *sworn.*

I am a linen draper, No. 16, King-street, St. Ann's; I have known the prisoner about two years, I never heard any thing dishonest by him.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. ROSE.

MISDEMEANORS.

413. THOMAS PRITCHARD was indicted for unlawfully suborning one John Langridge to commit wilful and corrupt perjury, in his Majesty's Court of Exchequer.

Mr. Garrow. Gentlemen, the prosecutor gives no evidence, the principal having been already acquitted.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

414. ELIZABETH DAVIS was indicted for obtaining on the 11th of January last, thirty-six yards of silk ribbon, value 16s. by false pretences, the property of Robert Wilson and John Wilson, with intent to cheat and defraud them of the same.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

N. B. Francis Froome *and* Robert Halet *served on the ninth day of this Session on the First Middlesex Jury.*

On

On the FIRST DAY of this SESSION,

THE

OPINION

OF THE

TWELVE JUDGES

Was delivered by Mr. Juſtice GOULD, on the reſerved caſe of HOLLAND PALMER otherwiſe FARMER, and ANN JONES who had been capitally convicted at a former SESSION: and Holland Palmer otherwiſe Farmer being ſet to the bar, Mr. Juſtice GOULD delivered the Opinion of the Twelve Judges, in the following words.

Holland Palmer, otherwiſe Farmer, you were found guilty at the laſt Seſſions, of an indictment founded on the ſtatute of the 23d of his preſent Majeſty, concerning receipts for payment of money: the indictment charged, that a certain ſtamp was provided, and uſed, for ſtamping and marking every ſheet and piece of paper, upon which any receipt or other diſcharge given for payment of money, amounting to two pounds, and not amounting to the ſum of twenty pounds, ſhould be written or printed, with a ſtamp duty of two pence, and that you, intending to defraud his Majeſty of ſuch right and duty, on the 10th of October laſt, unlawfully, fraudulently and feloniouſly did utter and expoſe to ſale, to one Hannah Gabriel, one thouſand pieces of paper, liable to the ſaid duty of two pence, reſembling the impreſſion of the ſaid ſtamp, then and there uſed, in purſuance of the ſtatute in ſuch caſe made and provided; You, the priſoner, at the time of uttering, and diſpoſing of the ſame pieces of paper, then and there well knowing the ſaid impreſſions on the ſaid piece of paper ſo by you offered, to be counterfeited, againſt the form of the ſtatute: on which indictment you was tried and found guilty; and a queſtion aroſe upon certain words, in the 10th ſection of the ſtatute, of the 23d of his preſent Majeſty, Chap. 49. on which this indictment was founded, which were ſaid to be ſo void of any plain meaning, ſo indefinite, that it was impoſſible to form any judgment on the true ſenſe and meaning of them; thoſe words were *ſhall utter, vend, ſell, or expoſe to ſale, any piece of paper, &c. liable to the ſaid duties, knowing the ſame to be counterfeit*: the objection was to thoſe words "*piece of paper liable to the ſaid duties.*" what are the pieces of paper? whether it was paper made throughout all Europe, paper at China; that it was ſo void of a preciſe ſenſe and meaning, that no ſolid and certain judgment could be formed upon it: that I conceive to have

have been the objection on this occaſion, and was reſerved by the Recorder, for the opinion of all the Judges.

On the firſt day of laſt Hillary term, all the Judges, excepting the Chief Baron, and Mr. Baron Hotham, who were abſent through illneſs, aſſembled at Lord Mansfield's chambers, and they fully diſcuſſed and conſidered this caſe; the difficulty aroſe from the words of the act of Parliament that I have ſtated; the indictment ſeems to be properly drawn, that it purſued the material ingredients that are required by the act of Parliament; the ſtatute of the 23d of his preſent Majeſty, having granted ſuch a duty to the King of twopence upon every receipt, for a ſum amounting to forty ſhillings and not exceeding twenty pounds; the indictment alledges that ſuch a ſtamp was provided, and that the ſtamp on theſe papers that were ſo expoſed to ſale and ſold by you, had a mark upon them reſembling that ſtamp ſo provided, purſuant to the act of Parliament; the objection therefore is founded, as I have already obſerved, on the ſuppoſed inaccuracy of the words in the ſtatute "*papers liable to the ſaid duties*," which in this caſe is in the plural number, but in this caſe the indictment is properly and neceſſarily applied to the words in queſtion; it was objected, and aſked what is meant by "papers liable to duties," and how can one piece of paper be ſaid to be liable to any of the duties more than another? if not, then it will follow that all the writing paper in the world, may be ſaid to be "paper liable to duties:" but the anſwer is, that upon due attention to the act of Parliament, and likewiſe to another act that paſſed in the ſucceeding ſeſſion of Parliament, the 24th of his preſent Majeſty, Chap. 7. all the Judges ſo aſſembled, were of opinion that thoſe words "papers liable to the ſaid duties," are capable of a clear unequivocal meaning. There are two rules for the conſtruction of acts of Parliament; one is, that if any part is obſcure, and other paſſages in the ſame act will explain that obſcurity, recourſe ought to be had for that purpoſe to ſuch other paſſages: the ſecond rule is, that if there are ſeveral acts on the ſame ſubject, they are to be conſidered together as one ſyſtem interpreting or inforcing each other: according to thoſe rules it will appear from a collection of the words of theſe ſtatutes that the words "paper liable to the ſaid duties" are not to be taken in the large and abſurd ſenſe that was attempted to be impoſed upon them, but ſuch pieces of paper as are deſtined or prepared for thoſe uſes, if genuine, they are ſuch as by the 14th ſection of the 23d of George the Third, are ordered to be brought to the office to be ſtampt, and if falſe, then they are ſuch pieces of paper as having counterfeit ſtamps reſembling true ones, purport to be paper duly ſtamped, and as ſuch liable to the ſaid duties: it is to be obſerved that the 14th ſection of the 23d of George the Third, expreſsly requires that the papers on which they are to be written, ſhall be duly ſtamped; and the 14th of George the Third, Chap. 48 makes it penal in ten pounds, if it be not ſo, or unleſs a ſtamp or impreſſion, reſembling the true one does appear upon it, which is a moſt equitable exaction: when that exaction appears appears on the face of the paper the party taking it, being innocent or perſuaded of its being duly ſtamped, and if afterwards the fraud is detected, every one muſt ſee that that paper being prepared, and deſtined for thoſe uſes, and was liable to the counterfeit mark, and ought to have been duly ſtamped accordingly: it appeared to all the Judges then preſent, that thoſe general words in the ſtatute, were to be applied according to the ſubject matter, to ſuch papers, upon which the counterfeit mark appeared to be uſed for a receipt, as if the mark was genuine, and conſequently liable to the duties, and all of them were therefore unanimouſly of opinion that you the priſoner were well convicted.

Mr. Juſtice Gould. There was Ann Jones, that ſtood on the ſame footing exactly, and the ſame opinion will apply to her.

The Seſſions being ended, the Court proceeded to paſs Judgment as follows.

Received ſentence of Death 33, *viz.*

Michael Johnſon otherwiſe M'Mahon, Robert Mott, Holland Palmer otherwiſe Farmer, Ann Jones, Peter Newberry, William Iverſon, Joſeph Hitchcock otherwiſe Church, John Miles, James Gray, Joſeph Mead, Charles Peyton, James Lapier, John Lucas, Richard Summers otherwiſe Smith, John Waters, Henry Jackſon, William Weſton, James Coyle, Thomas Weſt, Roſe Fitzpatrick, James Wiggans, James Ruſſel, James Cowan, John Oliver, John Johnſon otherwiſe Bandy, Henry Murphy, Thomas Ives, Robert Roberts, William Bland, Jaſper Robbins, Elizabeth Chapman, Benjamin Stokes, Ann Mott.

To be tranſported for ſeven years, 39.

David Jones, William Bradley, William Price, Luke Rogers, James Oakes, William Kybard, Elizabeth Lee otherwiſe Lees, Thomas Curzon, Thomas Smith, Richard Claridge, William Moſeley, John Hyam, Matthew Marks, Francis Scott, Thomas Douty, Joſeph Payne, George Patterſon, James Donovan, John Brown, Thomas Hamilton, Simon Goring, Chriſtopher Webb, Joſeph Partridge, Alexander Fiſher, William Mountain, Thomas Ward, William Litchfield, James Penny, John Brett, William Smith, Thomas Jones, John Babbit, Thomas Jones, Joſeph Sharp, Edward Roberts, Elizabeth Hippeſly, Mary Morton, Thomas Gray, and Edward Walker otherwiſe Fines.

To be confined to hard labour two years in the Houſe of Correction, 4.

Robert Franklin, James Buſhnell, William Jacknell, Charlotte Beach.

To be confined to hard labour twelve months in the Houſe of Correction, 2.

Sarah Sparkes, Elizabeth Stacey.

To be confined to hard labour ſix months in the Houſe of Correction, 19.

Solomon Spencer, Timothy Lee, Elizabeth Baldwin, Thomas Sawyer, George Vanderbeck, Joſeph Rawlins, John White, Abel Drudge, Joſeph Lee, Ann Agus, Rachel Hughes, Catherine Brown, and Jane Bone.

To be impriſoned one month, 1.

Elizabeth Johnſon.

To be impriſoned fourteen days, 1.

Mary Skiddle.

To be publickly whipped, 19.

Solomon Spencer, James Thomas, John Malin, George Vanderbeck, Joſeph Raw-

Jins, John White, Abel Drudge, Charles Zachary, Richard Walker, William Grindley, Joſeph Lee, Charles Worland, Thomas Webb, James Macdonald, Robert Simpſon, Samuel Lavender, William Bird, John Morris, and James Riley.

Fined, 1s.

Mary Skiddle.

Fined, 6d.

Ann Agus, Elizabeth Johnſon.

The Trial of Meſſ. Goodridges and Evans is poſtponed till next Seſſions.

The Court adjourned to Saturday the 19th of March, at Eleven o'clock.

On Saturday the 19th of March, the following Convicts were put to the bar, who had been tried and convicted at ſeveral former Seſſions, and received the ſeveral ſentences following, viz.

To be tranſported for life to Africa, 12.

John Ruglaſs, Samuel Woodham, Thomas Freeman, John Harris, James Shiers, Joſeph Tuſo, John Pontie, John Matthew Cox, John Ruffler, Mary Marſhall, Ann Read, John Moſeley.

To be tranſported to Africa for ſeven years, 18.

John Boyle, Samuel Thompſon, George otherwiſe John Campbell, Samuel Hall, Sarah Slater, Richard Middleton, Elizabeth Leonard, James otherwiſe William Balding, Thomas Till, Simon Young, Thomas Cale, Edward Garth, James Smith, Ferdinand Dowland, Robert Arts, Thomas Gore, John Davifon, Charles Hughes.

The following perſons who were ſentenced to be tranſported to America were ordered to be tranſported to Africa.

John Hall, Aquilla Beck, John Moren, George Banniſter, Henry Griffiths, Ann Wright, Samuel Peyton, Mary Laurence, Richard Percival, William Hinton, James Burleigh, Thomas Orford, William Lee, John Duffley, William Wright, William Morgan, Peter Bond, Daniel Clark, Ann More, Sarah Partridge alias Roberts, John Parker for ſeven years, and Charles Peat for life.

The following perſons were alſo ſentenced to be tranſported to Africa for the undermentioned terms, viz.

Edward Smith, Henry Smith, Thomas Griffiths, Philip Farrell, William Walſh for ſeven years; John Dennis otherwiſe Hammond for fourteen years; John Walker, James Holloway for ſeven years; Richard Small for fourteen years; David Jacobs, John Young, William Pariſh, George Wood for ſeven years; John Stogdell for fourteen years; Benjamin Major, James Davis, Benjamin Ingraham, Catherine Hart, Nicholas Engliſh, Charles Stone, John Jepp, Mary Branham, Robert Jones for ſeven years; Elizabeth Colley for fourteen years; Robert Able, William Moore otherwiſe Ranſmore, Thomas Howard, George Thorp, William Elliott otherwiſe Ellard, John Maſſias, Jacob Bellat, George Raymond, John Hart, and John Weſtwood for ſeven years.

The Seſſion was then adjourned to the 6th day of April.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

THE WHOLE PROCEEDINGS UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable SIR GEORGE NARES, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir JAMES EYRE, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

First London Jury.	*Second London Jury.*	*First Middleſex Jury.*	*Second Middleſex Jury.*
Robert Underwood	Thomas Williams	John Bond	James Keene
Samuel Conder	Thomas Pallett	Thomas Boys‡	William Green
Thomas Conder	John Brooks	Richard Ambroſe	John Day
Edward Snelſon	Gale Middleton	William Richardſon	Thomas Hollis
*Henry Serjeant	James Roberts	William Mercer	Edward Cabe
*J. Stamper Meſſenger	Stephen Newman	John Harris	Thomas Stead
George Skelton	Thomas Finmore	Ralph Mitchelſon	Henry Nix
Richard Bennett	Edward Percival	Thomas Lightfoot	Abell Chapman
Peter Milne	Samuel Badcock	Samuel Morris	Hugh Lawrance
William Renwick	Chriſtopher Wright	Richard Clewin	Rees Lloyd
Joſeph Neſbitt	J. Stamper Meſſenger	Walter With	John James
John Simpſon	Ebenezer Clarke †	Robert Nicoll	John Groome

* John Bowman *and* John Penny *ſerved ſome time in the room of* Henry Sergeant *and* James Stamper Meſſenger.

† William Wilſon *ſerved the 6th day in the room of* Ebenezer Clarke.

‡ Tuffin Hobbs *ſerved ſome time in the room of* Thomas Boys.

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415. WILLIAM HIGSON was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 5th day of February laſt, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault on Joſeph Higſon, and with both his hands and feet at and againſt a certain iron ſtove-grate in the dwelling-houſe of the ſaid William, did violently ſtrike, kick, caſt, and throw, giving him by the ſtriking, kicking, caſting and throwing, at and againſt the ſaid iron ſtove-grate, as aforeſaid, in and upon the right

right ſide of the head of the ſaid Joſeph, near the temple, one mortal fracture of the ſkull, of which ſaid mortal fracture of the ſkull, he, the ſaid Joſeph, from the ſaid 5th of February to the 13th of the ſame month did languiſh, and languiſhing did live, on which ſaid 13th day of February he did die, and ſo the jurors aforeſaid, upon their oaths ſay, that the ſaid William Higſon, him, the ſaid Joſeph Higſon, in manner aforeſaid, did kill and murder.

He was alſo charged with the ſame murder on the coroner's inquiſition.

ANN DICKENSON *ſworn.*

Court. What do you know of this affair?—What I am going to ſpeak upon is a month before the child's deceaſe, within three or four days.

Go on, and tell your ſtory?—I was at my own door, oppoſite the priſoner's——

What is the priſoner?—A taylor; I ſaw the child come out firſt.

Did you know the child?—Yes.

Was it one of his children?—I believe it to be ſo, according to the mother's diſcourſe.

Was it a boy, or a girl?—A boy.

What age was he?—Not quite nine, till next June I think; the father came after the boy out of the houſe.

Was he running out?—No, walking; his father had a poker in his right hand, and he hit him over the left ſide of his head with the poker; he bled a good deal, and I ſaw the blood run to the collar of his ſhirt.

Do attend to me particularly; did the boy come out firſt?—Yes.

Did the father get before him at all?—No, the door ſtands up in an alley, and the child came out ſide-ways to ſhun him, and met his father with the poker in his hand, and he hit him on the left ſide of the head; and the child came over to me, and held up his two hands, and begged me to ſave him; I put him on my own ſtairs; about a quarter of an hour after the father came to me, and ſaid, damn him, where is he? I begged of him to qualify his paſſion; the father went to his own habitation, he came again, and brought a little diſh, what we call a penny diſh, with about a pound of meat in it hot; he ſaid the boy had eaten four pounds all but that bit, while he had been to the mother to the hoſpital; he aſked me where he was; I told I would not tell him, without he would promiſe not to beat him again; he did not ſay whether he would or not, but he went away to his own apartment again; and in about half an hour he came to me again, and aſked me where he was; I told him, I would tell him if he would not beat him; otherwiſe I would not; he ſaid he would not; I went up to the child and ſaid, Joey, your daddy wants you; and he ſaid, has he got ever a ſtick in his hand? I ſaid no my dear; I took him by his right arm, and carried him in doors to his father; and he ſaid nothing to him that night, nor I did not ſee him beat him, or hear him that night; but the next morning about five, he cried out ſadly.

What did you hear?—I heard him cry out, dear daddy, dear daddy.

In what manner?—Crying out in a very loud manner, O, O, O, and then he cried, dear daddy, dear daddy.

Jury. How far off do you live?—About eight or nine yards off.

Court. Could you ſee what he ſtruck him with?—It was a poker, upon my honour; but to ſwear to the poker I cannot.

Did you examine the wound, or any thing?—I cannot ſay I did, for I was rather flurried; but there had been a ſcab on his head, on that place ever ſince.

Had his head ſtopped bleeding before you carried him home?—No, it had not, but it did not bleed ſo fierce as it did at firſt.

Did not you offer to wipe off the blood, or any thing of that ſort?—I did not upon my word, I was ſo much flurried, I really did not.

Did you ſee him the next day?—Yes.

Was there a ſcab there then?—Yes, and to the day of his death.

The bleeding was ſtopped?——Yes.

Whereabouts was it particularly?—On the back part of his head, among the hair.

There

There was only a ſcab the next day?—No.

The head was not ſwelled, or any thing?——No, not that I perceived.

It was not upon the temples?—No.

SUSANNAH HOBBS *ſworn.*

I lived next door to the laſt witneſs, and keep a chandler's ſhop: on the 12th of February, on a Saturday in the afternoon, the mother of the child came over to me for a peck of coals; I aſked her how her little baby did, which was ſucking at her breaſt, ſhe ſaid it was better, but her little boy Joey was very ill, and ſhe had juſt been up to the Diſpenſary for three papers of powders for him; then you ſee, Sir, ſhe ſaid that her child had been very ill for ſome time; with that I ſaid, it is a very good thing, it is very well you are come home, for your child has been uſed very ill; then ſhe went over to her own houſe.

Why did you ſay ſo, did you know the child had been uſed ill?—Yes, by ſcreaming out, the neighbours were always calling to the priſoner, and ſaying he was a ſecond Brownrig, uſing his child ill.

Have you ever heard the child ſcream out?——Yes, ſeveral times.

Had you ever ſeen the priſoner beat the child?—Never in my life; about dark I went over to ſee the child, not knowing he was in that condition; when I went in his mother was ſtanding by the fire ſide, and I ſaid Mrs. Thing-a-me, where is your little boy? and ſhe ſaid here, in the cradle.

Court. Why he was eight or nine years old?—Yes, but he lay in a cradle when I ſaw him; ſhe took a candle and ſhewed me the child, and when I ſaw him I was ſo ſhocked, I thought I ſhould have dropped into the cradle.

What appearance had he?—By his head, he moaned moſt bitterly.

What was the appearance that ſhocked you?—I ſaid to her, dear me, Mrs. Thing-a-me, what have you done to your child, have you poiſoned him? ſhe ſaid no.

Did ſhe ſay any thing about her huſband?——No, his head was ſwelled terribly, then I went into my own place again; I went over again preſently, and aſked her how he did, ſhe ſaid, he was very bad indeed; I ſaid, Mrs. Thing-a-me, is he in his ſenſes, and ſhe ſaid, O yes! Madam, ſays ſhe, you ſhall hear him ſpeak, I have juſt been talking to him; ſays ſhe, Joey Higſon, my dear, tell who has hurted you, has mammy ever hurted you? no, he ſaid; who has? dad, ſays he.

Court. Where was the father at that time?——I never ſaw any thing of the father the Saturday at all, that was the laſt word I heard the child ſpeak.

Court to Priſoner. Do you wiſh to aſk theſe two witneſſes any queſtions?——No, I do not want to have any converſation with them at all; they are people not worth ſpeaking to at all.

MARY SIMES *ſworn.*

I live in the ſame houſe where *this barbarous* taylor lives.

What do you mean, the priſoner?—Yes, I have heard the boy cry out late and early, of being ſadly uſed.

In what manner?—He has cried out, O daddy! O daddy! when he has been beating him.

How can you tell he was beating him?——Becauſe I have heard the blows up two pair of ſtairs, I have heard the blows in the morning by five o'clock, and ſometimes late at night; and the laſt time he was down ſtairs, I was coming down, and I looked through, and I ſaw the child coming out of the door, and the priſoner was going to kick him, and he lifted up his foot to kick him, and the child cried out, O daddy.

Did he kick him?——He did not kick him, but he pulled him by the hand, and hit him over the face.

What with?—With his flat hand, then he was running out of doors, and he caught him, and the child cried out, and he put his hand and ſtopped his breath, and he pulled him in by his arm, and the neighbours cried out ſhame; I ſaid afterwards to

to the child, has your daddy been beating you? he ſaid, yes, my daddy has a new way of beating me, becauſe the neighbours ſhould not cry out ſhame.

Court. Then he was running about?—Yes, he came out and was going of an errand.

Court. That is no evidence at all what the child ſaid, at that time.

Did you ſee the child after that?—No.

ELIZABETH DARBY *ſworn.*

I lived oppoſite, I frequently uſed to hear the child cry out in a moſt ſhocking manner, my huſband and I have perfectly heard the blows; the child uſed to come into my ſhop, I keep a chandler's ſhop, and he ſaid, his daddy was always beating and kicking him.

Was that at the time you have heard the blows?——No, not then, but he was frequently beating the child, every day two or three times a day, he was hardly free from crying out.

Court. I think you are not to tell us what the boy ſaid, I would not have you tell us what the child ſaid, eſpecially at that time, that he was running from his father's houſe to you, becauſe you ſee, gentlemen of the Jury, that declaration was not upon oath, nor was there any thing that would bind the child, nor was he in that ſort of ſtate, to inforce what he ſaid to be true; as for inſtance, the declarations of dying people not expecting to recover, have that influence on their minds and conſciences at that time, which makes them equal to an oath; and that deſire that they muſt then have in point of conſcience not to ſpeak a falſhood, is equal to evidence upon oath; but there was no influence on this child's mind at that time: and another thing, in conſequence of his provocation, and perhaps being ill uſed by his father, he might exaggerate what his father had done, being angry with his father, and his father with him; therefore, I think theſe declarations are not to be received in evidence, for if that was the caſe, you ſee what dangerous conſequences might enſue.

Mr. Baron Eyre. I agree intirely with my brother, I think this evidence ought not to be received: all evidence againſt priſoners is to be on oath, with one exception, which is a declaration without oath, by a perſon who conceives himſelf to be in a dying condition, as to the author of the injury he has received; and that is upon this ground, that the ſituation of ſuch a party creates an obligation upon his mind to ſpeak the truth, equal to the ſanction of an oath; that of neceſſity applies only to the particular ſituation of the party then upon a death bed, and cannot poſſibly extend to all the general declarations that perſons make, who may have received injuries: the rule is a general one, and this priſoner, and all priſoners muſt be entitled to it; it is a rule founded on public juſtice.

E. Darby. When he came into my ſhop about a week before he died, I ſaw his face was all black.

Jury. Was there any advice called in, in this ſeries of time?

Mr. Gorſuch, the Surgeon. My Lord, the wife applied to the diſpenſary for powders, but not for the contuſion on his head?—A quaker doctor came from the diſpenſary, I ſaw the Gentleman myſelf, and he told me all ſhe told him was, that the child had got a violent cold.

Court. Who was that gentleman.

Mr. Gorſuch. I ſuppoſe it was Doctor Whitehead, he is a phyſician, and a quaker.

What day was this that his face was black?——To the beſt of my knowledge, it was the week before the Sunday that he died, and I think to the beſt of my remembrance, I ſaw the child at the father's houſe, on the Sunday night before his death; I went over, hearing he was very bad, and aſked to ſee the child, his mother ſaid, yes, to be ſure, he then laid upon two chairs upon his right ſide, there was a handkerchief over his face and his head, and ſhe pulled the handkerchief off, and one ſide of his face ſeemed to be all bloody, and I turned my head, he looked ſo ſhocking, I was ready to drop.

Did the blood on the handkerchief seem like fresh blood?——It looked like fresh blood running on the handkerchief.

That was the night before he died?——Yes; I asked the mother why she did not put him into bed.

Court. The conversation of the mother does not signify.

Who lives in the house with the prisoner?——Mary Simes and another woman besides lived up one pair of stairs, and this woman up two pair; Tracey Bell lived next door, the woman's name is Jane Thomas, who lived up one pair of stairs, she was not examined at Hicks's Hall.

Court. Is she here?——No.

Where is she?—About two miles off.

Court to Simes. Do you know this Jane Thomas?——Yes.

Had she any thing to do with the family?——No, she said, she did not see but little of it.

Where is the place where she is?—The other side of Moorfields; Jane Thomas No. 18, Lamb's-buildings, Spitalfields.

Court. Send for her.

(The beadle of the parish, the witness Simes, and an officer of the Court, were sent for Mrs. Thomas.)

ELIZABETH TRACY BELL *sworn.*

I lived the corner of the alley, I keep a chandler's and oil shop, which is now pulled down; on Saturday evening, I heard a great noise about the door, I went out of my door, and there was a constable, I do not know the man, but he was talking to the neighbours; and he went and asked at the prisoner's wife's door, where her husband was, she said he was out at work; he said, tell him not to touch the child, for if any thing should happen, he might depend upon suffering.

The man was not at home at that time?——No.

Then that is nothing?—I must speak the beginning, for I cannot begin on either side of the story; and he said, he should speak to the constable of the night, and the watchmen, to watch that house particularly; this was on the Saturday night, I went in and knocked at the door.

Did you see the child?—She asked who it was, I said, it was nobody to hurt her; I asked her how the little boy did, she said, he was very bad; he was laying across two chairs, she shewed me the child, and his two eyes were as big as a great turkey's egg cut in half; he had just been cleaned, I saw on the left side of his head, a long mark of blood, longer than my finger, and a little water; and I says to her, Lord Jesus! there is blood, and she said, no, there is not; and she wanted to turn it over, to conceal it: after that, my mother and I went in, and there was more blood, his head kept gushing out blood and water all night, I spoke to the child, and asked him if he knew me, and he said, yes; he said, he was very bad, I asked him if he was sore, he said, his head was sore all round, he was sore all over; after that I went in several times, and the child had some panado, and some stuff, and he eat it very hearty; both early and late, we have been disturbed with the child's screams, crying out O daddy! daddy!

Mr. Baron Eyre. Was it always O daddy?——Yes, daddy, daddy, dear daddy, daddy! the father was as hoarse then, as he is now, that he could not bear him; the mother has been in the hospital sometime, she had been at home a fortnight and two days when the child died.

You never heard of any complaint of any body else hurting him, but his daddy?——No, Sir; I never saw any blows, but have heard the report of blows several times; between the room that they lay in, and that I lay in, there was about a yard and an half; there were two partitions between, a bit of a wooden partition, I fancy it was originally all one house.

THOMAS TALBOT GORSUCH *sworn.*

I live in Shoreditch, I am a surgeon.

You was sent for?—I was requested by Mr. Philips, the coroner, to attend the

Jury;

ſury; obſerving a contuſion on the right ſide of the head, a little above the temple, I removed the ſcalp, which was detatched from the ſkull, which was parted from the ſkull underneath; I obſerved a fiſſure upon the bone, the difference between a fiſſure and a fracture, is much the ſame as between a flaw and a crack in a pane of glaſs, the one is partial, and the other impartially through; the fracture goes quite through, but the fiſſure is only partially through, the ſame as a flaw in a pane of glaſs; I then took off the upper part of the ſcull, and the veſſels of the brain under the fiſſure were very turgid and inflamed, and the maladies of membrances of the brain adhered to the ſkull, which is common where there are very great inflammations from concuſſions, or from colds, or other cauſes: the contents of the thorax and the abdomen were perfectly ſound.

Go on and deſcribe where the mortal violence was received?——That was all I could perceive on the head, ſome of the witneſſes have mentioned the left ſide, but there was nothing on the left ſide any more than the ſcurf, which is common to children not taken care of; there were no marks of violence at all on the left ſide, the miſchief ſeemed to be entirely on the right.

Jury. Was there no ſcar on the left ſide?——None at all.

Court. Was there no ſcab, nor any appearance of any?—None at all.

Mr. Baron Eyre. No appearance of there having been one lately?——None at all.

Court. It would leave an appearance?—I ſhould imagine ſo, it was on what we call the os bregnitis.

Could you form any judgment what it was done by?—It muſt be by ſome obtuſe inſtrument, ſome blunt inſtrument.

Did you think, from the ſymptoms you obſerved, that it was the cauſe of the child's death?——There is every reaſon to conclude ſo, the child had that ſallow bloated countenance, and that emaciated appearance of body, which children in poor habitations that have been badly clothed, and ſcantily fed have; but I ſhould imagine from the wound that appeared on the head, that the death muſt be owing to that wound.

You think it was certainly?—I have not the leaſt doubt but it was.

Jury. You did not ſee the child till after it was dead?——No, the general ſtate of the child's health, I think had been in a very bad way, for ſome time before he died.

Court. As a fiſſure is in a leſs degree than a fracture, I ſuppoſe it may happen by leſs force than a fracture?——Yes, my Lord, by a fall, for inſtance, in this caſe as there was ſuch a violent contuſion on the right ſide, I have no doubt but the fiſſure muſt come from the contuſion on that ſide.

Mr. Baron Eyre. Was there any thing in your obſervation, that could determine your opinion, whether it was done by a blunt inſtrument, or by a fall?——There was no appearance of the ſkin being cut, no crack at all in the ſkin externally, a blunt inſtrument and a fall undoubtedly would have the ſame effect.

Suppoſe the child to have ſtaggered, and fallen againſt a ſtone in the wall, it would have been exactly the ſame, as if he had been hit with a blunt inſtrument, the concuſſion produces the fiſſure?—Undoubtedly my Lord.

Court. You have heard an account of the blow being ſtruck about a month before; ſuppoſe a blow had been given on that ſide of the head a month before, might it by degrees been growing for a month, ſo as to occaſion the death?—It may be from ſeven to fourteen days before the wound would have the appearance, before the child's death.

Court. It might be for ſome conſiderable time, then I ſuppoſe it might be longer?——Undoubtedly it will extend and inflame, according to the ſtate of the child's body, but I ſhould imagine, according to the ſtate of the contuſion, this had happened about ſeven or fourteen days before his death.

Mr. Baron Eyre. Might it have happened a month before?——It is very difficult to ſay, I cannot ſpeak to that with

that degree of ſatisfaction to myſelf as I could wiſh.

Am I to judge it could not?——I do imagine it might be from ſeven to fourteen, or thereabouts.

Jury. I think the ſurgeon ſpeaks to the child's being in a very bad habit of body?——In a general bad habit of body, his body was very much emaciated, he appeared in a ſtate of poverty.

Jury. My queſtion is, whether he knew the child any time before the firſt blow was given?——No, I never ſaw the child before.

Court. Can you account for the blood appearing, according to that woman's evidence, the very night before the death?—It is very eaſy to account for that; after the contuſion I ſhould ſuppoſe on the ſide of the head, the extravaſated blood became putrid, and by that means the ſcalp was detached from the bone, and that occaſioned the appearance; I believe that is the caſe of all wounds, by the removal of the ſcalp, where it is in a ſtate of putrefaction, the blood may come down from that aperture; I ſhould imagine the extravaſation was from the veſſels on the bone not externally, and then it ſlipped down and dropped into the ſocket of the eye; the child's eye appeared very large, I attributed that to the extravaſated blood.

Have you met in your own practice many inſtances of this kind?—A good many.

How ſoon after the accident may the ſymptoms come on?——In general from ſeven to fourteen days? I have known a fiſſure to be upon a patient five or ſix months before ever they have made any appearance, and then afterwards they have had complaints in the head, and when the ſcalp has been taken off, the fiſſure has appeared: I only ſpeak in regard of the contuſion, not of the fiſſure, becauſe a very trifling blow will occaſion a fiſſure, without having a contuſion that would produce theſe effects upon the child, a contuſion will follow immediately, but will not ſhew themſelves immediately in that putrid ſtate.

Mr. Baron Eyre. Did you ever know an inſtance that a contuſion did not immediately follow a blow?——Undoubtedly, but the extravaſation is taken up by the abſorbent veſſels, and the fiſſure ſtill remains; in all probability the abſorbents could not take up the extravaſated blood, and then when it ſlipped it extended itſelf.

PRISONER's DEFENCE.

(The priſoner was very hoarſe, and his defence was repeated by an officer of the Court.)

As to the gentlewoman that ſwore firſt, I was in the country at the ſame time, at Woolwich, at the time ſhe ſwore the blow was given; I worked there three days, and I came home, and ſtaid at home for a week; I ſent the child out for a ſix-penny loaf, that was the week following the time I came home, and during that week I was at home, the child came home and told me that a woman had thrown him down, with the loaf in his hand; Sir, at that time he fractured his ſcull on the right ſide; he broke his head at that time on the right ſide; in the courſe of the week I went and worked three days in Nortonfalgate, and the week after I ſtopped at home three days longer; on Tueſday night I ſent him out for a loaf again.

Court to Priſoner. How long was that before his death?——About four days before his death; I aſked him whether he could go or not, two or three times, and he ſaid yes.

Court. Did you doubt then whether he was able to go?——Yes, becauſe he had got very ſwelled legs; he went out and called at the White Swan public-houſe, he frequently called at different public houſes to beg beer; and ſo I ſent his mother after him, to ſee if he was coming home, and ſhe could not find him, ſo ſhe came home without him; and I deſired her to go to many other houſes beſides, and ſhe went to three or four houſes, and he had been there, and had had bread and cheeſe at theſe different houſes; when he came home he had fallen

fallen down, and cut the right ſide of his temple with the fall; his mother was going as far as Drury-Lane, on an errand, and the child was gone to bed; and the left ſide of the boy's face was terribly ſwelled in the morning; and the next morning I told her to go to Doctor White, and get him into the Diſpenſary; ſhe went, and I went down to Woolwich to work; I worked there till Saturday night, I came home on Saturday night, and ſaw the boy very bad, and my wife ſaid ſhe had been at the Doctor's; and the Doctor ſaid he would come on Sunday; I ſtopped there on the Sunday till eight o'clock, and ſent to the Doctor's again: that is all I have to ſay about that; I have ſomething to ſay in reſpect to abuſing the child; I never ſtruck the child with the poker; when my wife was in the hoſpital, I uſed to take a rod and beat him with; and ſhe was in the hoſpital on the 2d of January, and ſhe came out when ſhe had been in three weeks; I do not know that ever I ill uſed the boy afterwards; and I ſuppoſe his death to be from a cold which flew out of his legs, being a diſordered child; he always had a breaking out in his head and ancles. I do not think that theſe people that have been examined are fit to go upon life and death.

ELIZABETH JACKSON *ſworn.*

I have known the priſoner about eight years, he lived neighbour to me about three years and a half, that is about four years ago; he was a very careful, honeſt, hard-working, induſtrious man, never letting his family want for common neceſſaries; I was his oppoſite neighbour, I never ſaw him beat his children or abuſe them any more than what any parent ought, when they are in fault; I live in Kingſland-road, and he lived in Long-alley, Moorfields.

How far is that off?——About three quarters of a mile.

JOHN HALL *ſworn.*

I am a taylor. I have known the priſoner four years; I always knew him to be a man that took care of his children, and was a man that loved his children very much.

How near did he live to you?—Within about a quarter of a mile; he lives now in Long-alley; I have worked with the priſoner, he has worked at my houſe, I never worked at his; I was at his houſe within a quarter of an hour of the child's death, we had all the aſſiſtance that could be got from a Doctor; there came a Doctor, and we got leeches, and ſet to the child's temples, but all to no purpoſe.

Who did you ſee there?——Nobody but his wife, the Doctor had been there about a quarter of an hour before, and had ordered leeches to be ſet to his forehead; his wife went and fetched them, and ſhe and I put them to; and it was by her huſband's deſire we went for aſſiſtance.

Did you go of your own accord, or was you ſent to by the priſoner?——I was deſired to go to ſee the boy by her huſband, and ſhe likewiſe, and to get aſſiſtance.

When was that?——It was the day before the child died, and the day he did die.

Who went to the Doctor?—His wife.

Did ſhe go while you was there?——Yes, and I ſtaid at her houſe while ſhe went.

When did ſhe go?——She went on Saturday, and likewiſe on Sunday.

WILLIAM HARDACRE *ſworn.*

I have known the priſoner ſeven years, a very hard working, induſtrious man, he worked for me at my houſe, for near a twelve-month, and uſed to uſe his family well, and provide for them; he uſed his family exceeding well; he paid his way always honeſtly, to the beſt of my knowledge, I never ſaw any thing amiſs in his behaviour in the time he worked for me, nor ſince.

JANE THOMAS *(who was ſent for by the Court) ſworn.*

Did you lodge in the houſe with the priſoner?——Yes, I did.

Do you know any thing of this affair?—I have heard him beat the child ſadly, I never ſaw him beat him, I have heard him beat him till he groaned, I never ſaw him

that degree of ſatisfaction to myſelf as I could wiſh.

Am I to judge it could not?——I do imagine it might be from ſeven to fourteen, or thereabouts.

Jury. I think the ſurgeon ſpeaks to the child's being in a very bad habit of body?——In a general bad habit of body, his body was very much emaciated, he appeared in a ſtate of poverty.

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Court. Did you doubt then whether he was able to go?——Yes, becauſe he had got very ſwelled legs; he went out and called at the White Swan public-houſe, he frequently called at different public houſes to beg beer; and ſo I ſent his mother after him, to ſee if he was coming home, and ſhe could not find him, ſo ſhe came home without him; and I deſired her to go to many other houſes beſides, and ſhe went to three or four houſes, and he had been there and had had bread and cheeſe at theſe different houſes; when he came home he had

fallen

fallen down, and cut the right ſide of his temple with the fall; his mother was going as far as Drury-Lane, on an errand, and the child was gone to bed; and the left ſide of the boy's face was terribly ſwelled in the morning; and the next morning I told her to go to Doctor White, and get him into the Diſpenſary; ſhe went, and I went down to Woolwich to work; I worked there till Saturday night, I came home on Saturday night, and ſaw the boy very bad, and my wife ſaid ſhe had been at the Doctor's; and the Doctor ſaid he would come on Sunday; I ſtopped there on the Sunday till eight o'clock, and ſent to the Doctor's again: that is all I have to ſay about that; I have ſomething to ſay in reſpect to abuſing the child; I never ſtruck the child with the poker; when my wife was in the hoſpital, I uſed to take a rod and beat him with; and ſhe was in the hoſpital on the 2d of January, and ſhe came out when ſhe had been in three weeks; I do not know that ever I ill uſed the boy afterwards; and I ſuppoſe his death to be from a cold which flew out of his legs, being a diſordered child; he always had a breaking out in his head and ancles. I do not think that theſe people that have been examined are fit to go upon life and death.

ELIZABETH JACKSON *ſworn.*

I have known the priſoner about eight years, he lived neighbour to me about three years and a half, that is about four years ago; he was a very careful, honeſt, hard-working, induſtrious man, never letting his family want for common neceſſaries; I was his oppoſite neighbour, I never ſaw him beat his children or abuſe them any more than what any parent ought, when they are in fault; I live in Kingſland-road, and he lived in Long-alley, Moorfields.

How far is that off?——About three quarters of a mile.

JOHN HALL *ſworn.*

I am a taylor, I have known the priſoner four years; I always knew him to be a man that took care of his children, and was a man that loved his children very much.

How near did he live to you?—Within about a quarter of a mile; he lives now in Long-alley; I have worked with the priſoner, he has worked at my houſe, I never worked at his; I was at his houſe within a quarter of an hour of the child's death, we had all the aſſiſtance that could be got from a Doctor; there came a Doctor, and we got leeches, and ſet to the child's temples, but all to no purpoſe.

Who did you ſee there?——Nobody but his wife, the Doctor had been there about a quarter of an hour before, and had ordered leeches to be ſet to his forehead; his wife went and fetched them, and ſhe and I put them to; and it was by her huſband's deſire we went for aſſiſtance.

Did you go of your own accord, or was you ſent to by the priſoner?——I was deſired to go to ſee the boy by her huſband, and ſhe likewiſe, and to get aſſiſtance.

When was that?——It was the day before the child died, and the day he did die.

Who went to the Doctor?—His wife.

Did ſhe go while you was there?——Yes, and I ſtaid at her houſe while ſhe went.

When did ſhe go?——She went on Saturday, and likewiſe on Sunday.

WILLIAM HARDACRE *ſworn.*

I have known the priſoner ſeven years, a very hard working, induſtrious man, he worked for me at my houſe, for near a twelve-month, and uſed to uſe his family well, and provide for them; he uſed his family exceeding well; he paid his way always honeſtly, to the beſt of my knowledge, I never ſaw any thing amiſs in his behaviour in the time he worked for me, nor ſince.

JANE THOMAS *(who was ſent for by the Court) ſworn.*

Did you lodge in the houſe with the priſoner?——Yes, I did.

Do you know any thing of this affair?—I have heard him beat the child ſadly, I never ſaw him beat him, I have heard him beat him till he groaned, I never ſaw him

but I have heard the child cry; he has beat him when the wife has been in, and when the wife has been out, time after time.

Was there any body in the houſe that would do the child any harm?——No Sir, I never ſaw nor heard of any body elſe offering to beat him.

When you heard theſe blows, had you any thing that informed you, or could make you paſs any judgment who it was that beat him?——No farther than the child's ſaying, O, dear daddy! as long as he could cry, and then he would groan.

Are you ſure this is true?——I am ſure this is true.

How long did you live with him?——I lived in the one pair of ſtairs when he came; I live in Sun-ſtreet, I do not live there now, the houſes are going to be pulled down.

Did you live there as long as the child lived?——Yes, I was there when the child died.

Court. Gentlemen of the Jury, William Higſon ſtands indicted, &c. *(Here the learned Judge ſummed up the evidence, and then added)* This is the evidence on both ſides; the crime that the priſoner ſtands charged with is ſuch, as abſtracted from murder, which is one of the moſt heinous offences that can be committed, ſtands aggravated by being committed by a parent on a child; but when I have ſaid this, I will likewiſe ſay, that the more heinous, and the more unnatural the crime is, the ſtronger ought the evidence to be, and the moſt convincing, becauſe as it is unnatural, and thank God a thing we ſeldom hear of, the greater is the preſumption againſt a parent's being capable of committing ſuch an act: and now, Gentlemen, though I dare ſay you want no inſtructions, let me adviſe you not to ſuffer the nature of the offence to prejudice you againſt the priſoner; but to conſider this caſe coolly and calmly, as if you were trying a man that ſtands committed for the murder of an abſolute ſtranger. It does not appear that there were any people in the houſe, except the man and his wife, and theſe two lodgers; there is no body appears to you to have been there, or to have done any act towards the child, but the child had been all this time in the power and under the controul of the father and mother: you have then had evidence of his behaviour towards the child; the ſtriking the child with a poker has been proved by that woman; and though the priſoner has denied it, and ſaid that he was in another place at that time, and remained there three days; yet it would ſeem, if that was true as he aſſerts, he might have a power of proving it, however he has called no witneſſes to that purpoſe; therefore as to that fact, that woman ſtands totally uncontradicted; it is true, ſhe ſays the violence is on the left ſide of his head; however, ſhe might be miſtaken, for there does not appear by the evidence of this Gentleman, who ſeems to be extremely well ſkilled in his profeſſion, that any thing can be attributed to any thing that was done at that time with the poker; he cannot connect the appearance after a month, as ariſing from that ſtroke of the poker. Then, Gentlemen you are to conſider the general behaviour of this man towards the child; that this child has been treated in a cruel, and I am ſorry to ſay, in an inhuman manner, ſeems to be proved by every one of the witneſſes, and that the priſoner was the man that beat him, although to what degree does not ſtrictly appear, but by every one of the witneſſes the child exclaimed, O, dear daddy, daddy! it was his name, and his name only, that the child cried out upon, when he was beating; I am ſorry, but my duty calls upon me to make an obſervation on the evidence of the laſt witneſs, who ſpeaks in a very ſtrong manner indeed; ſhe ſays, the child cried out, O, daddy, daddy, as long as he could cry, and afterwards he would groan; this in the courſe of at leaſt a month, or more, prior to the death of the child. There is no particular evidence whatever that ſhews you how this violence was committed; but however, Gentlemen, in point of law, I think it is to be left to your conſideration; it is not neceſſary to prove the exact fact done, where the perſon who has

received

received the injury has been totally in the power, and I may say in the poſſeſſion of the party; that has been proved, and it is certainly incumbent upon the priſoner to ſhew in ſome reſpect how this child came by the mortal wound; he has told you indeed, (but what he has ſaid is to have no more weight with you than as you are ſatisfied with the truth of it) that the child had a very conſiderable time before his death received a fracture in his ſkull, and a cut on the ſide of the head; ſorry I am to ſay, that if it had, we have never ſeen the leaſt aſſiſtance called for, till the very day before the child died: his own account is, that he doubted whether he could ſend him out a ſecond time, or whether he was able to go, yet till the Wedneſday before he died, there is no account whatever of any the leaſt aſſiſtance being called for; this child, by the account of every body, and all the neighbours, was heard from the oppoſite ſide of the way, morning and night continually and repeatedly crying out, and they continually hearing blows, though they did not ſee them; this is a circumſtance that is to be left to you; there is ſuch a thing as the law has called a ſort of violent preſumption; if a man comes out of a room with a drawn ſword bloody, and a man is left dead in that room, nobody ſaw the ſtroke, yet the preſumption is almoſt neceſſary; I do not ſay it is ſo ſtrong in this inſtance, but you ſee how much it was in the power of the man to have accounted for theſe acts of violence which the child has received; you hear what is actually proved, that he has done, and the dreadful conſequences when the child could cry no more, ending in a groan: if you are ſatisfied in your minds and conſciences from all that has been related by all theſe people, though the priſoner ſeems to tell you they ought not to be believed on their oaths in caſes of life and death, yet you are to judge how far their teſtimony deſerves credit, and you will give it that credit that you, as Gentlemen, think in point of conſcience they ought to have; you muſt, as I told you before, lay aſide all prejudice of every kind that would as it were inflame your paſſions, and think of this caſe coolly and indifferently, and then give that verdict which you in point of conſcience ought to do: and that muſt be, if you are fully ſatisfied that the priſoner has been the death of this child you will find him guilty: if any doubt whatever remains in your minds, I am ſure your own humanity will ſuggeſt to you, that you would not take away the life of a man if you was not fully juſtified and convinced in your conſciences, that he deſerves that puniſhment.

The Jury withdrew for a ſhort time, and returned with a verdict.

GUILTY, Death.

He was alſo found guilty on the Coroner's Inquiſition.

Thomas Shelton, Eſq; Clerk of the Arraigns, then addreſſed the priſoner, as follows:

William Higſon, you ſtand convicted of the wilful murder of Joſeph Higſon; what have you to ſay for yourſelf, why the Court ſhould not give you judgment to die, according to law.

Proclamation being made for ſilence, Mr. Recorder immediately addreſſed the priſoner in the following words:

William Higſon, you have been convicted, by a very merciful and attentive Jury, upon evidence which has left but little room for doubt of your being guilty of a crime the moſt aggravated that can diſgrace the character of man. The crime of murder in itſelf, of wilfully and maliciouſly depriving a fellow creature of life, is an act from which nature ſhrinks back with horror, and a crime which the laws of God and of man have thought it neceſſary to puniſh in the ſevereſt manner; but when we conſider that the unhappy object of your crime was your own child, that child too of tender years, living under your immediate protection, and that your guilt is not that of a ſingle violent act, ariſing from ſudden

provocation,

provocation, or juſtified by any thing which could have vindicated even a moderate correction, your guilt is of too aggravated a nature to receive any palliation. Your duty to your child was to have brought him up with tenderneſs and care, to have been the guardian of his infant years, to have moderately corrected him for his faults, and have been indulgent to his failings; to have ſupplied his wants, protected him from the injury of others, rendered his exiſtence as comfortable as your circumſtances would permit, and done every thing in your power to make him a happy and uſeful member of ſociety. Your conduct has appeared to be directly the reverſe of this: Inſtead of that tenderneſs, care and indulgence, which we all hope for from our great Creator and Ruler, and which our children have a right to expect from us, the whole of your conduct towards this unhappy child appears to have been a ſeries of the moſt unexampled barbarity, terminating at length in a violent death, occaſioned by the author of his exiſtence. The affection of parents to their children is one of the ſtrongeſt and moſt deep-rooted in the human heart; it is wiſely planted there by our Creator, to render us the protectors of our children in their infant years, when they are too weak in body, and too inexperienced in mind, to take care of their conduct themſelves: theſe natural affections have been totally effaced from your mind, and in place of them the moſt unexampled and inhuman cruelty has induced you continually to wreak, from time to time, all your malignant paſſions upon that infant whom it was your duty to protect. Happy has the unfortunate child been, who has been releaſed from the cruelty of ſuch a parent: miſerable and wretched is your caſe, to have put an end, by a violent death, to that life, which you have before done in all in your power to render wretched!

Happy will it be for you in the end, if your own blood, together with the deepeſt remorſe and repentance which the heart of man can feel, will be ſufficient to relieve you from the load of that guilt which now hangs over your ſoul, and to procure you that pardon for your enormous and aggravated crimes, from your Creator and Judge hereafter, which the laws of your country muſt neceſſarily deny you here. It is therefore my duty to pronounce upon you that dreadful ſentence, which your crimes have ſo juſtly deſerved; which is, that you be taken from hence to the place from whence you came, and from thence to the place of execution, on Monday next; there to be hanged by the neck till you are dead, and your body to be afterwards diſſected and anatomiſed, according to the ſtatute; and the Lord have mercy upon your ſinful ſoul.

(The priſoner was executed on the Monday morning following.)

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

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416. JONATHAN WIGLEY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Tollingbuſh, about the hour of eight in the night, on the 10th of March laſt, with intent his goods and chattels, in the ſaid dwelling houſe then being, feloniouſly and burglariouſly to ſteal.

A ſecond count, For breaking the dwelling houſe of Thomas Faſſet, Mary Cox and Joſeph Ruſe, about the ſame hour, with the ſame intent.

The witneſſes examined apart at the requeſt of the priſoner.

THOMAS TEMPLEMAN *ſworn.*

I am ſervant to Mr. Drummond, and I found a padlock hanging on the door, and the lock picked, and the priſoner up two pair of ſtairs, that was at the Yorkſhire Grey, in Eagle-ſtreet, Red Lion Square; I had the care of the houſe, I had locked it on the outſide with a padlock, I am ſure I locked it; I went out about eight, and returned within ten minutes; I went to get a pint of beer, nobody was in the houſe when I went out of it, and when I returned

the

the padlock hung open, on the door, and the door open.

Did your key afterwards go in it freely?—Yes, I found the priſoner on the ſecond ſtep, of the ſecond floor, I ſeized him by the collar, and ſaid if you have any thing about you, drop it, and ſurrender yourſelf, or elſe I will cut your head open, with this pin of iron, which I have in my hand, and he dropped a ſaw knife; I heard him throw up a ſaſh in the front of the houſe, and endeavour to jump out of the window.

Court. Could you have got in that way?—No, it was ſo high he was affraid to jump out.

Had he taken any thing?——No.

Had he moved any thing out of its place?——Not to my knowledge.

Who actually lived in this houſe laſt?—One Tollingbuſh, I think the name was.

Did you ſleep in the houſe?——Yes, I took care of it for Mr. Drummond.

How long had it been empty?—I believe pretty nigh two months.

Who does the houſe belong to?——To Mr. Faſſett, the brewer.

Did he ever live in it?—No.

How long had you ſlept in the houſe, before it was broke open?—Three weeks.

What excuſe did the priſoner make for getting into the houſe?—None at all.

Did you find any keys upon him?——No, only a ſaw knife, and a tinder box, and matches, and a dark lanthorn were found upon him.

JONATHAN PROSDER *ſworn.*

About eight in the evening, I heard an alarm, I live next door but one; I came down, and run into the dining room, I heard a noiſe of a table clapping, and I immediately called out, and ſeized the priſoner, and brought him to the ſtair head, he had a large ſaw knife in his hand.

Court. Was the houſe furniſhed?—Yes, partly.

Who did the furniture belong to?—Mr. Faſſett.

What do you call partly?—It was very common furniture, the houſe had been robbed before, there were two flock beds.

CHARLES COLLETT *ſworn.*

I ſaw the priſoner drop the ſaw knife.

GEORGE MECHAM *ſworn.*

I took the priſoner in cuſtody, and this dark lanthorn, and matches, and tinder-box, were given to me by Collet.

PRISONER's DEFENCE.

I was going along at that time in the evening, and heard the alarm of ſtop thieves, I went up ſtairs following theſe people, and I thought I ſaw ſomebody going up two pair of ſtairs, and I ſaid ſo, and they turned round and ſaid they ſuppoſed I was the thief, and they took me.

What are you?——I am a carpenter.

Have you any friends here to ſpeak for you?——I do not know if I have.

Have you worked in London?——Yes, my trial is come on ſo ſoon, that my friends are not here.

FRANCIS COLLINGTON *ſworn.*

Mr. Drummond employed Templeman to take care of the Yorkſhire Grey, he was put in poſſeſſion, in order to take care of the goods by Mr. Drummond and Mr. Faſſett together.

Were they joint owners of the houſe?—No, Sir, Mr. Faſſet was the owner, and Mr. Drummond did the buſineſs for him; and therefore he was put in care of the goods; he appraiſed the goods for him at the time the perſon left the houſe, Faſſett bought the goods.

Who was concerned with Faſſett in this houſe?——There was one Mr. Ruſe and Miſs Cox, but I cannot tell what their Chriſtian names are.

Mecham. I got the name from the houſe.

Do you of your own knowledge know that they are in partnerſhip?—I had their three names from the brewhouſe; they ſaid they were the partners.

Who ſaid ſo?——One of the clerks ſaid ſo.

Are any of the clerks here?—No.

Court to Jury. There is no regular evidence before you whom the houſe belonged to.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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417. JOHN FOSTER was indicted for feloniouſly aſſaulting William Tubb on the King's highway on the 23d of March laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one watch, with the inſide caſe made of gold, out-ſide caſe made of ſhagreen, value 8l. one cornelian ſtone ſeal, value 6d. a baſe metal key, value 1d. and one hook, value 1d. his property.

The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Council.

WILLIAM TUBB *ſworn.*

On the 23d of March between three and four in the afternoon, I loſt my watch in Pancraſs ſtreet, near Tottenham Court Road; I was going along that ſtreet, and juſt in the middle at the gateway, I ſaw ſeveral people there, I came acroſs the gate-way, and I was huſtled; I had my hand upon my watch pocket the moment I came up to the crowd, and in going to get paſt this gate-way my arm was flung up in the joſtling, and I miſſed my watch.

Was there any particular huſtling of you?——I was huſtled as the reſt of the people were in getting paſt the gate-way.

Were you any otherwiſe huſtled than in paſſing through that crowd?——My arms were thrown up upon other mens ſhoulders, I cleared myſelf from them and came back again; I did not paſs them; I miſſed my watch that moment, and the other witneſs jumped from the wall and ſaid, I will ſhew you the man that has picked your pocket; I went back with him, and there was one man with red hair, and the other witneſs told me that the priſoner had taken my watch and given it to the man with red hair; I followed the priſoner and caught him, and another man came up to me and ſeparated the priſoner and me; I got two cuts and a blow acroſs the ſhoulders; I then caught him and delivered him to the conſtable.

Have you got your watch again?——No. You know nothing of the priſoner only what the other man told you?—No, only by his huſtling.

Mr. Silveſter Priſoner's Council. This was the day when the balloon was going off with Count Zambeconi?——Yes.

The gate-way you talk of was the gate-way where the people were endeavouring to get in to ſee the balloon?——Yes.

Many hundreds and thouſands were there?——A great many.

They wanted to paſs through?——I did not ſee any perſon wanted to paſs through; I was paſſing the gate-way.

They puſhed you in the crowd, is that what you mean by huſtling?——Yes, Sir.

Then you to be ſure was huſtled, and you huſtled the next to you?—Yes.

How many hundred might be there about?—A great many.

Was you laid hold of by any body?—Not particularly.

Was you touched by any body?——It was a different huſtle to paſſing in a crowd.

Was you any more ſhoved than other people?—I believe there were ſix or ſeven that were ſhoved and loſt their watches in the ſame manner.

Did not you ſhove ſome body elſe?—No.

Were not there people before you and on each ſide of you?——Yes.

You could not get paſt the gate-way?—No.

Was not this man examined?——Yes.

Was not he ſearched?——Not till ſome time afterwards, and then only very ſlightly; he was juſt ſlightly ſtroked down.

Was

Was any thing found upon him?——Nothing at all.

Did not this man deſire to go with the conſtable?——Yes.

You do not mean to ſay this man ſtruck you?——No.

THOMAS GOODMAN *ſworn.*

This day fortnight, I and my ſhop-mate went to ſee the balloon go off; I got into a crowd, and they ſhoved ſo hard I was glad to get out again, and I got upon a wall that was in Pancraſs ſtreet, Tottenham-Court-Road; I turned my head, and I ſaw the priſoner at the bar and and ſeveral more; a tall man in a red coat who is at the door now, I ſaw him ſeveral times attempt to rob people of their watches; they ſerved ſeveral ſo; I had no ſuch thoughts, they looked like gentlemen, but ſeveral ſaid their watches were gone; this red headed man which is at the door came plump up againſt the proſecutor; and I underſtood the proſecutor had loſt his watch.

Court. Deſcribe in what manner they came up againſt him?——The ſame as I may come up againſt another willfully.

Were they ſtanding in the crowd?——Nobody could hardly ſtand there, but they certainly were in the crowd; the proſecutor came in and went in amongſt them; and I ſaw this priſoner at the bar and the other that is outſide the door come up from towards the fields, the lower part of Pancraſs ſtreet; there was not any body near them for a foot or two; people might have ſtood very well if they had only been eaſy; I could diſcern ſo plain, that I ſaw the priſoner ſhove againſt the proſecutor, and other people where there was no occaſion for it; I ſaw his hands round his waiſt; I did not ſee him take any thing; I jumped off the wall, and ſaid to the proſecutor, are not you the man that is robbed? and he ſaid yes; I ſaid, come along with me and I will ſhew you the man that has robbed you, and then a man gave me *a punch on the ſide of the lug*; the other man was on the outſide of the door when I came up I ſhewed him the red haired man firſt, and he was reſcued away; then I ſhewed him this man, and he ſaid, what me! and I ſaid, aye you, directly.

What time did you ſhew him the man that had taken the watch?—I ſhewed him firſt the red haired man, and then this man.

Then you did not know at that time which of theſe men had taken the watch?—I did not, nor I cannot ſay now.

You did not tell Mr. Tubb which had taken the watch?——I ſaid, I thought the red haired man had it.

Was any thing found upon him?——I was not preſent when he was ſearched.

Mr. Garrow another of the Priſoner's Council. Now, Maſter Goodman, pray who may you be?—I am a ſawyer.

How long have you been a balloon hunter?——I ſaw the other, Mr. Lunardi's.

It is not the temper of an Engliſh mob to ſtand very quiet, they like to huſtle, they wave to and fro, do not they, that is the way, is not it?—It is too much the way.

You was afraid?——I was not much afraid.

You did not feel yourſelf much at your eaſe?—No.

You was afraid they would take your watch perhaps?——No, I could not, I had no watch.

Then it was for the fun of the thing that they huſtled you?—It was fooliſh fun too.

Why this wall was ſeven or eight feet high?—I was lifted up, they laid hold of my legs.

That is a ſort of a horſe, you are more uſed to, I take it for granted, than a four-legged one?—No, I took notice of them I ſuppoſe for about half an hour.

I thought ſo?——You did not think any thing about it before.

PRISONER's DEFENCE.

I was there looking about the ſame as other people; I was thirty or forty yards from where this gate-way is; there were a great crowd of people there, it was an open

place

place where a number of people went; the rails were all pulled down by the mob; the witneſs came and laid hold of a man with a red head of hair; I ſtood ſtill, and he came then, and ſaid, that is one in boots, and laid faſt hold of me; ſays the proſecutor, Sir, I believe you have my watch? Sir, ſays I, I have not; ſays the other witneſs he is one of them.

The priſoner called five witneſſes who all gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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418. MARY BROOKS, (aged fourteen) was indicted for feloniouſly ſtealing, on the 19th of March laſt, ten yards of printed cotton, value 20s. the property of John Mackey, in his ſhop.

JOHN TUCKER *ſworn.*

I live with Mr. Mackey, a linen-draper in High Holborn, I loſt my cloth on the 9th of March, about two or a little after; the priſoner came into the ſhop and aſked for a gown; I ſhewed her two or three pieces; I ſearched for ſome more, and in the mean time I miſſed a piece of printed cotton off the counter; that was the third piece I ſhewed her; I went and acquainted my maſter, and he ſent me for a conſtable, and the goods were found upon her.

Did ſhe remain in the ſhop all the time? —Yes.

Voluntarily, or did you oblige her to ſtay?——My maſter amuſed her while I returned with the conſtable, and then the piece was found under her petticoats by the conſtable.

Mr. Peatt, Priſoner's Council. Was ſhe in the ſame attitude that you left her in?—She had got away from the counter, I miſſed it from the counter.

EDWARD LUCAS *ſworn.*

I am a conſtable of St. Giles's, I produce the cloth; Mr. Mackey ſent for me, and I went down with a young man to the ſhop, and the proſecutor ſaid he ſuſpected the priſoner had ſomething ſhe ſhould not have, ſo I rubbed her all down backwards, and down the ſide of her petticoats, and I found ſomething ſtick out rather behind, ſo I put my hand up her petticoats, and took this out from between her thighs.

Priſoner. I have ſeveral people for me.

The priſoner called three witneſſes to her character.

GUILTY.

Of ſtealing to the value of 4s. 10d.

Jury. We wiſh to recommend her to mercy on account of her age.

Privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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419. SARAH DAVIS, was indicted for feloniouſly ſtealing, on the 28th of March laſt, one pair of linen ſheets, value 2s. the property of Joſeph Furder, being in a certain lodging room let by him to her, to be uſed by her with the ſaid lodging room, againſt the ſtatute.

JOSEPH FURDER *ſworn.*

I live in Pye ſtreet, the priſoner lodged with me in the one pair of ſtairs; ſhe took the room to herſelf; ſhe hired it; I loſt my ſheets; I miſſed them a week after ſhe had been in the lodging; ſhe had not left the lodging; I aſked her for the rent, the week was up, and ſhe ſaid ſhe had no money; I went to look at the bed and the ſheets was gone; ſhe ſaid ſhe had pawned them; I bad her get them out; ſhe went to get them out and ran away; ſhe ſaid ſhe could not get them out without I would pay the money myſelf, I took her into cuſtody.

Did you give her leave to pawn them?—No.

Did

Did you know ſhe had pawned them before you miſſed them?—Yes, one of the other lodgers told me.

GEORGE TURNER *ſworn.*

I took theſe ſheets of the priſoner, I live in Stretton Ground, ſhe brought them as her own property, one the 22d and the other the 24th of March; ſhe pledged one for ſixpence the other for eighteen-pence; ſhe had uſed the ſhop about a month or ſix weeks; I never ſaw any thing amiſs by her.

(The ſheets depoſed to.)

Priſoner. I was very ill and very much diſtreſſed; it was my intention to get them again.

What are you?—Any thing.

Have you any friends?——Not in London.

Have you any body to give you a character?—Nobody here at all; the proſecutor had the money of me to redeem the ſheets, and then he kept it for his expences.

Proſecutor. I took it in part of rent, ſhe was then committed, and I was bound to proſecute her; and ſome man came and gave me two ſhillings in part of the rent, which was three ſhillings.

Did the man mean to pay it you as rent?——Yes, he ſaid he would pay it me for rent.

Priſoner. He took the money, and ſaid, let us ſee what I can do for you; and when he had got it, he ſaid, I will keep it for my expences.

Jury to Proſecutor. Did the man promiſe to pay you the reſt of the rent?—Yes.

Did not he give you that two ſhillings, in order to ſhew the woman mercy?—He did not ſay any thing about that.

GUILTY

Of ſtealing to the value of 10d.

To be privately whipped and impriſoned one month.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

420. JAMES PRICE was indicted for feloniouſly ſtealing, on the 30th day of March laſt, one hundred pounds weight of lead, value 10l. belonging to Abraham Adams, and then and there fixed to a certain building of the ſaid Abraham, againſt the form of the ſtatute.

JOHN ROBSON *ſworn.*

This lead was ſtripped off from Mr. Adams's houſe in the Circus, near Portman-ſquare, the back part of my houſe faces the back part of thoſe buildings; my wife ſaw a man go into the buildings, and in about ten minutes after, I went and ſecreted myſelf in the buildings, I ſtaid there an hour and better, when I heard them bring the lead from the outſide of the houſe, and put it into the inſide, I got up the chimney, and ſtaid three quarters of an hour, the priſoner came paſt me with a load of lead on his head; I let him go paſt me, and followed him, and caught ſight of him, and the witneſs Durham ſeeing a man with ſomething on his head, ſtopped him, and threw the lead off his head, in the mean time I came up to him, and he was ſecured, there was near an hundred weight.

Do you know where that lead came from?—The next day we went and matched it to the buildings; it came off the dormer part of the roof, the garret window is on the roof; I am ſure it fitted there.

What are you?——I am a carpenter, I have leave to work in the houſe.

PRISONER's DEFENCE.

I had been ſeeking for work; and coming by between ſeven and eight o'clock, I heard a great noiſe at the top of the houſe, I ſtopped to hear it, being ſo late in an empty houſe, I heard a man come and bring this lead down, and he put it at the door, and I took the lead upon my head, and I thought I would take it home and go to a conſtable, and have the men ſecured, and when this man took me, I told him there were the men upon the houſe, and he went himſelf to ſee, and he ſaid the men were there when he went, but they went away while he was there, and took more lead with them.

Have you any body to ſpeak for you?—Nobody but a woman.

What buſineſs are you?—I am a painter, I had my diſcharge out of the marines in the Chatham diviſion.

The priſoner called one witneſs to his character.

GUILTY.

Whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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421. ANN FOWLES was indicted for feloniouſly ſtealing on the 11th day of March laſt, one ſilk and cotton gown, value 4s. one cotton gown, value 10s. one bed-gown, value 10s. one ſtuff petticoat, value 5s. one black ſilk cloak, value 20s. one lawn frock, value 5s. and one dimity ſkirt, value 2s. the property of Elizabeth Hughes.

ELIZABETH HUGHES *ſworn.*

I live in Old Gravel-lane; I loſt the things mentioned in the indictment on the 11th of March laſt, ſomebody broke into my room, I was out; I went out about half an hour paſt two, I did not return till half an hour paſt four; I locked my room, and when I came home the door was open, and a good many people in the room, and the thief was taken up.

RICE EVANS *ſworn.*

About four in the afternoon, on the 11th of March, I went into the yard, it looked into the proſecutor's room, and I ſaw a perſon taking ſome things off the drawers; I gave intelligence, and I purſued her, and caught her, and brought her back, with the things in her apron, quite home to the room; the priſoner dropped the things in the room when ſhe came back, and I gave the things to James Jones.

JAMES JONES *ſworn.*

(Produces the things, which were depoſed to.)

I was ſent for to take charge of the priſoner.

—— STODDART *ſworn.*

I was in my room, and Mr. Evans came into my paſſage, and had hold of the priſoner, bringing her back towards his own home; I went to ſee what was the matter, and theſe things were laying at the priſoner's feet; when I ſaw them, I ſaw ſomething in her lap, but I did not ſee them drop out of her apron.

PRISONER's DEFENCE.

I lodged along with the old woman that lives up ſtairs, and the proſecutor's door was open, and I went in and ſaw the things were gone; and I went to look for the proſecutrix, to tell her, and they came and took me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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422. JOSEPH BROTHERHEAD was indicted for feloniouſly ſtealing on the 8th day of March laſt, one wooden caſk, value 8s. the property of Robert Harriſon and Richard Munday, and one other wooden caſk, value 6s. the property of John Charrington and Harry Charrington.

HUGH HUGHES *ſworn.*

I am a cooper; the priſoner worked journey-work with me at the time that he offered theſe ſtaves to ſell; which was about the 8th of March, he offered twenty-nine ſtaves to me to ſell; he brought them in a bag at two or three times; at laſt he brought the heads, and on one there was a mark of Munday, and on the other the mark of Charrington; then I told him

him I would not have any concern with them, becauſe I thought they were ſtolen; I deſired him to take them away; he ſaid he would, but he did not; I informed the proſecutors, and they came and claimed them.

Do you know whether the ſtaves belonged to theſe heads?—The priſoner told me they did; he told me there were fourteen or fifteen.

Is that about the quantity?—Generally, but ſometimes there are more and ſometimes leſs; he ſaid he bought them of a young man; he ſcratched the burnt marks out of the head of the caſks, after they were brought to our houſe, as he told me.

(The head depoſed to by Adam Hodgſon.)

There is a particular mark beſides the burnt mark, which was cut out; the mark of J. V. O. was left in plain.

Can you tell where this caſk was taken from?—I cannot be ſure; he told the Juſtice he found one in Little Britain, and the other in Cheapſide; and he told the cooper he bought them of a young fellow.

JOHN CHEVET *ſworn.*

I ſaw two heads belonging to a hogſhead of John and Harry Charrington, I know the mark; we cannot keep any account of where the caſks are.

PRISONER's DEFENCE.

Coming from work one night, I found one of them in Cheapſide, and the other in Little Britain.

What in one night?—No, one about a week after the other; they lay in the kennel; between eight and nine.

Then how came you to ſay you had bought them of a young man?—I never ſaid any ſuch thing.

Have you any body to prove that you found them?—There were a great many people ſaw me pick them up.

Are any of them here?—Not that I know of.

Have you any friends here?—I expected a couple, I do not know whether they are come or not.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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423. ELIZABETH JONES was indicted for feloniouſly ſtealing on the 21ſt day of February, one ſilver table ſpoon, value 6s. one tea ſpoon, value 12d. one pair of linen ſheets, value 5s. and one table cloth, value 12d. the property of James Holland.

JAMES HOLLAND *ſworn.*

The priſoner lived with me a week, ſhe came to me the 14th of February, I miſſed the ſheets mentioned in the indictment, likewiſe a ſilver table ſpoon and a tea ſpoon, and a damaſk breakfaſt cloth; on the 25th, I took her in Penton-ſtreet, at the pawnbroker's, ſhe was ſearched, and the ſpoons were found upon her; I ſaw them taken from her, here is my own cypher upon them, they have been in the poſſeſſion of the conſtable ever ſince; the ſilver ſpoon had been broken and mended.

What did ſhe ſay for herſelf?—She ſaid the devil was in her, and ſhe could not help it.

RICHARD BRADLEY *ſworn.*

In the morning between ſeven and eight I miſſed the priſoner; I ſearched for the priſoner, and told my maſter; the conſtable found the things in her left hand pocket.

Priſoner. I put them in my pocket, I did not deſign to make them away; I hope you will have ſome pity upon me, as I am a ſtrange

a ſtrange girl, I have not a friend within two hundred miles.

GUILTY.

To be privately whipped, and confined ſix months in the Houſe of Correction.

She was humbly recommended to mercy.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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424. JOHN JONES was indicted for feloniouſly ſtealing on the 2d day of April, one linen cloth, value 2d. one linen ſhirt, value 12d. one lawn ſtock, value 4d. two ſhifts, value 18d. two aprons, value 2s. one corded ſilk waiſtcoat, value 4s. and one child's cotton frock, value 2s. the property of Richard Hill.

ELIZABETH HILL *ſworn.*

The priſoner ſtopped me in the ſtreet on Saturday laſt, and took my bundle from me, in Church-ſtreet, St. Ann's, between eight and nine; I had it under my arm, the priſoner ſnatched it from me; he came on the other ſide of me, when I turned round he was five or ſix yards from me; I kept ſight of him ſome way till a mob of people came in purſuit; I cried ſtop thief, and he was taken in Compton-ſtreet.

Was he ever out of your ſight till he was taken?——Yes, when the mob of people came I could not ſee him for the throng of people.

Was the bundle found upon him?—Yes.

What became of the bundle afterwards?——It was brought to the watch-houſe.

——— PEARCE *ſworn.*

Between eight and nine I was going home on Saturday evening, and I ſaw the priſoner running; I juſt heard a cry of ſtop thief, I ſaw the priſoner turn the corner of Dean-ſtreet with this bundle under his arm; I purſued him immediately, and about the ſecond door, as I purſued him, I ſaw him drop the bundle; I was as near to him when he threw it away as I am to your Lordſhip; I took him, and a man delivered me the bundle, and the priſoner was committed.

JAMES CAIN *ſworn.*

On Saturday the 2d of April, about a quarter paſt eight, I heard the cry of ſtop thief, I looked back and ſaw the priſoner running; I purſued, I ſaw him drop the bundle, and in the very inſtant after he was ſeized and taken.

MARY HANINGTON *ſworn.*

I ſaw the priſoner ſnatch the bundle out of the gentlewoman's hand, he run across the ſtreet, I cried out ſtop thief, he was immediately taken; I ſaw him taken, he never was out of my ſight, he did not run many yards.

(The things produced and depoſed to by Mrs. Hill.)

Court. Who do the things belong to?—To one Mr. Lefevre.

PRISONER's DEFENCE.

I was coming along and a man ſtopped me, and charged me with ſtealing a bundle, which I never did; I had no bundle under my arm.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

The next Part will contain, amongſt others, the remarkable Trial of GEORGE BARRINGTON, and will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

425. ALEXANDER WILKINSON was indicted for feloniouſly ſtealing, on the 4th of March laſt, four ſix-pences, value 2s. and ſixteen copper halfpence, value 8d. the monies of John Lowe.

JOHN LOWE *ſworn.*

On the 4th, about a quarter paſt eleven in the evening, I was collector of the toll at Pimlico gate, and at eleven o'clock I laid down, I put down four ſixpences, and ſixteen copper halfpence; the priſoner came in and aſked if his aſs was gone through, I told him no, he ſaid he would leave his baſket, and go back and look for his aſs; he went a few paces, and turned back for his aſs as I thought, and he turned back again and came in, I then thought of the money that lay there, I got up to look, and I miſſed it, and I detained the priſoner, I called the watchmen, and they came, I told them that I miſſed my money, and I ſuſpected the priſoner; he was ſearched and there was money found about him, which I thought looked very much like my money, but I cannot be ſworn to it; there was more money found about him than I had loſt.

Had any body elſe been into the toll houſe, after you had put down the money? ——Not to my knowledge.

Had you fallen aſleep?—I do not know, I believe I had not.

Can you ſay poſitively you had not?—No, I would not ſay poſitively.

Then you cannot ſwear that nobody elſe came in?—No, I cannot, as the door was open, I knew the priſoner before, by going through the gate moſt days.

Alderman Sanderſon. Were there ſixpences found upon him?——Yes.

How many?——Four.

Mr. Peatt, Priſoner's Counſel. It is uſual for you to lay ſeveral hours on this couch?—It is for that purpoſe.

It is very uſual for you to lay dozing on this couch, half aſleep and half awake?——Yes.

In a total uncertainty of what paſſes?——Yes.

JOHN BIRDSEY *ſworn.*

I was crying the hour; I heard ſomebody call watch; I went to the turnpike at Pimlico, and the proſecutor had hold of the priſoner, and gave me charge of him, there

there were ſixpences, and two groats in halfpence; he had it about him; I believe he had ſome in his ſhoes; he was not willing to be ſearched without a conſtable; he pulled his coat and his apron off: I pulled two ſixpences and a ſhilling out of his breeches pocket: Mr. Low ſaid he would ſwear to one of the ſixpences in his waiſtcoat pocket; I took out ninepence-halfpenny in halfpence, then I took two ſixpences and one ſhilling out of his right ſhoe; and the proſecutor ſaid he would ſwear to one of theſe ſixpences.

Proſecutor. I cannot ſwear to money; there is one with a hole in it, very much like one that I took; but I take more of that ſort.

Mr. Peatt. Sixpences with holes are very common?——I took two within the month.

EVAN WILLIAMS *ſworn.*

I was called to the aſſiſtance of the proſecutor, I ſaw the priſoner ſearched, and one of the ſixpences was a remarkable ſmall one, and the other with a hole.

PRISONER's DEFENCE.

I know nothing of the affair; I had been out with my goods that day, and coming home I got rather drunk, and I did not know what I was about; I came to the turnpike gate, and I aſked the man to let me leave theſe baſkets there; I knew nothing of the money being in my ſhoe; I was in liquor; I took ſeveral ſhillings that day, and ſixpences too.

The priſoner called five witneſſes who gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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426. HENRY SNELLING was indicted for feloniouſly ſtealing on the 20th day of October laſt, one ſurtoot coat, value 12s. the property of Henry Cowley.

HENRY COWLEY *ſworn.*

I loſt a great coat about a year and a half ago, at one Mr. James Wetherby's houſe; I lodged in the ſame houſe; the priſoner and I lodged in the ſame room about eight weeks; he went away from his lodgings, and the people of the houſe did not know; the coat was never found; it was upon the bed when I went out; the priſoner was a day-labouring man; he was taken in Tottenham-court-road; he ſaid he had got nothing to pay me.

What did he ſay?—I ſaid I ſhould be glad to be ſatisfied for the great coat that he ſtole away; he ſaid he could not make me amends for it, for he had ſold the coat.

This is a very odd converſation you relate; had you lent him the great coat now upon your oath?——No, I did lend it him one day before.

Have not you lent it him at different times;——No, only one day or two.

Upon your oath would you have proſecuted him if he had paid you for the great coat, or returned it to you?—No.

EDWARD COWLEY *ſworn.*

I found the priſoner in Tottenham-court road: I took him to Paddington, to my brother; the priſoner ſaid, I know what you are come after, your brother's great coat; when we came to Paddington he was detained all night; and on the Monday morning he owned to me that he had ſold the coat in Roſemary-lane for nine ſhillings and ſixpence.

JOHN DOWDING *ſworn.*

I met the priſoner with the coat on his back, between eleven and twelve, between Paddington and Kilbourn, near a year and a half ago; I knew the great coat, I have often ſeen the proſecutor wear it.

Had you ever ſeen the priſoner wear it before?——No, I ſaw it on his back the day he went away with it.

Did you ſay anything to him then?—I only aſked him how he did.

Did he tell you where he was going to?——No.

Did

Did you ask him?——No.

JAMES WETHERBY *sworn.*

The prisoner and the prosecutor lodged in my house; the man always paid me very honestly for my lodgings; but he was taken bad, and in the day time he took this coat away.

Did he quit the lodgings with your knowledge?——No, I did not know he was going.

Had he paid you?——There was a trifle he owed me, about a week or so.

Did you hear the prosecutor make any complaint about this great coat immediately after he went away?——He made a great fuss, he said he would prosecute him, if he could find him.

How long after was that?——It might be a fortnight.

When did he first complain of the loss?—He complained of it immediately.

PRISONER's DEFENCE.

I worked for that man, in the parish of Welsden, and I was taken very bad with the ague and fever, and many people recommended me to get into the hospital; my master that stands there said I was very welcome to wear his coat till I got the better of my illness; I desired my landlord's daughter when I came down, to tell my master I was going to the hospital; and told another person to tell my master I was in the hospital; I was in the hospital a month and two days; after I was ordered out, I met my master, Henry Cowley, in the Hay-market; I asked him to employ me; he said he was afraid he could not; but says he, Harry, I hope you will return me the coat; I said I would; I was taken ill again, and was bad fifteen weeks, and being poverty struck, I was obliged to pawn the coat; my master gave me a glass of liquor, there he is to witness it.

Court to Henry Cowley. Is this true?—No.

Will you swear that you did not know he was gone to the hospital?—Yes.

Did you never see him after he left Wetherby's?——I did see him, with the coat upon his back, and I thought I could have got it again.

How long after?—I suppose in the course of a week or ten days; I told him I wanted my coat; and he said he could not spare it.

Court to Jury. Gentlemen, you must acquit the prisoner.

Court to Prosecutor. How did you dare, upon your oath, before to tell me, that from the time he went away from Wetherby's you never saw him till a fortnight ago?——I said a fortnight afterwards.

Court. Did not you apply to a magistrate for a warrant, and he refused it?——Yes.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

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427. GEORGE BARRINGTON was indicted for feloniously stealing on the 26th of February last, in the parish of St. Martin in the Fields, one watch, with the case made of gold, value 5l. one watch chain, value 10s. two stone seals set in gold, value 20s. one base metal key, value 1d. the property of John Bagshaw, Esq.

(The prisoner objected on his first arraignment to Mr. Bond, the foreman of the first Middlesex Jury, and was therefore arraigned and tried by the second Middlesex Jury, to none of which he objected.)

JOHN BAGSHAW, Esq; *sworn.*

I lost my watch on the 26th of February last, about a quarter of an hour or twenty minues after five in the evening, in the passage that leads to the pit, going into Drury-lane Theatre, in that passage which you enter from Russel-Court, and some yards from that particular part of it where the money is received, which is some yards from the pit door.

Be

Be ſo good as to deſcribe what happened to you there?—On the 26th of January laſt I went to Drury-lane Theatre, in company with another young Gentleman, in order to ſee Mrs. Siddons, the play was Macbeth; we were under the neceſſity of ſtopping a few minutes till ſeveral perſons that were before us had gained admittance; at this time there might be perhaps ſix, ſeven, or eight perſons who each entered the pit paſſage, pretty near the ſame time that we did, or immediately after; I ſpeak of them that were behind us; while we were waiting for thoſe that were before us to gain admittance, I fancied I felt ſomebody at my breeches pocket, I immediately put my hand to my breeches pocket, and I found my watch was taken; on turning my head, the priſoner at the bar, whom the moment before I loſt my watch, I had particularly taken notice of, as ſtanding on the right ſide of me, rather a little behind me, not immediately in a line, was then ſtanding with his back to me, endeavouring to make his way out through the perſons that were collected together; I ſaid nothing, but immediately followed him; as ſoon as we had cleared the perſons who were behind us, excepting one perſon who ſtood by himſelf, and at about the diſtance of two or three yards from anybody elſe; I immediately laid hold of him, and ſaid, Sir, you have got my watch; his anſwer was, have I, Sir, got your watch? I replied that he had; he immediately endeavoured to get away from me, at the ſame time holding out his hand as with an intention of offering ſomething to that perſon who was at a very ſmall diſtance from him, cloſe by him almoſt at the time, but at the diſtance of two or three yards from any of the perſons who were going into the pit; at this moment I heard ſomething fall to the ground, and the breaking of glaſs; I immediately put my right hand to the ground, picked up my watch, and put it into my breeches pocket.

Court. From what part of the ground did you pick up your watch?——Pretty nearly in a line perpendicularly with his body; not quite, but rather perpendicular with his arm, as it appeared to me to be held out; as ſoon as I had recovered my watch, a ſcuffle immediately commenced between the priſoner, the perſon to whom he held out his hand, as if with intention to offer the watch, and myſelf.

What part did the other man take?——Barrington endeavoured to get from me, the other man pulled me back from him, the other man aſſiſted Barrington, and took a more active part than Barrington himſelf; in the ſcuffle they threw me down to the ground; he was diſengaged for a moment, I only fell on my ſide, and fortunately recovered myſelf inſtantaneouſly and followed him; he had not got above ſix or ſeven yards before the alarm was given, and ſome perſons coming up he made no further reſiſtance; I took him immediately to the public Office in Bow-ſtreet.

Mr. Silveſter, Priſoner's Council. I underſtand, Sir, you are very ſhort ſighted?—I have that misfortune.

There were many people crowding?—There was no great crowd, there might be ſix, ſeven, or eight.

You do not mean to be particular?—I am not.

Who firſt told you the watch was there?—I was not told of it.

No one perſon then ſaid to you here is a watch, and gave you the watch?—No.

You did not ſee it fall?—I did not ſee it fall, but I am poſitive it fell from the priſoner at the bar; and my reaſons are, becauſe the perſon who ſtood at three or four yards diſtance, whom I never ſaw before or ſince; the watch could not fall from him, becauſe he did not leave the crowd at the time I followed the priſoner, and I followed him inſtantaneouſly as I found the watch was gone.

FRANCIS LAVALL *ſworn.*

I heard the watch fall to the ground; I was with Mr. Bagſhaw, I was next to him when he loſt his watch; I obſerved a little before he miſſed his watch, a man puſhed me very much, I came cloſe to Mr. Bagſhaw, and told him I ſaw a man who was very

very much in a hurry to get in; the prisoner might be at the distance of three or four yards off.

Do you recollect his posture at the time he seized him?—I do not.

Was there anybody besides you that was near to him?—I did not observe anybody.

—What became of the prisoner and Mr. Bagshaw after he had seized him?——Mr. Bagshaw accused the prisoner with having his watch, upon which I heard it fall; they might be removed from the place where he originally seized him before; I heard the watch fall, it fell upon the ground, Mr. Bagshaw picked it up and put it in his breeches pocket.

Can you tell who it fell from?———I cannot.

Did you observe where it fell?—I did not, but I heard the breaking of glass upon the ground.

Who were near you at the time that the watch fell?—I did not observe anybody near me at the time; I did not take notice.

—Where was Barrington at the time your watch fell?—With Mr. Bagshaw, he had him in his possession, the watch fell nearly under Barrington.

Was there any other person near enough for it to have fallen from them?—I did not observe any near enough.

How many yards from the place where you stood when Mr. Bagshaw missed his watch was it that the watch fell?—Three or four yards, I should imagine they had gone back so far.

Was there no noise or disturbance about the watch before it fell?—There was a scuffle between Mr. Bagshaw and the prisoner, when he accused him of having his watch, he said, have I your watch, upon which I immediately heard the watch fall.

Mr. Silvester. Did not this alarm the attention of every body about; there was one person accusing another of taking a watch, did not they flock to see what it was about?—I think there were one or two people who instead of helping Mr. Bagshaw assisted the prisoner.

What was you about?—I was rather confused.

Then there might, but you did not observe them?—I do not believe there were any near enough to hear it.

You know there were several people behind him?—I did not observe anybody at all; Mr. Bagshaw was thrown down somehow or other.

That was before the watch fell?—No, after.

Where the watch fell from, or how it fell, you do not know?—I know no more than what I have said.

Court. Did you see the watch upon the ground?——I did not.

Which way did Mr. Bagshaw stand to pick it up?——I did not see.

Did you see him stoop to take it?—Yes.

Did he stoop towards the place where the prisoner stood, or from him?—He stooped forwards, Barrington was close by his side at that time, he had hold of him.

Did he stoop directly before him, or to the side were Barrington was, or to the other side?—Straight before him.

How near was anybody to him at the time he stooped, besides Barrington?——I did not observe anybody at that time.

Court. George Barrington, you are now to make your defence; what have you to say to this charge?—*Prisoner.* My Lord, I humbly beg leave that Mr. Bagshaw may be asked one question.

Court. What is it, Mr. Barrington?—*Prisoner.* He says that he saw my hand extended as if I was giving something to some person; did he see anything in my hand, or did he see me give anything?—I certainly saw nothing in the hand of the prisoner at the bar.

Prisoner. I should be glad also to ask him whether he saw me give anything, or saw me drop any thing, or whether he had any reason to suppose either by speaking, talking, or confederating, in any other respect according to the idea which he has endeavoured to insinuate to the Court, that I had an accomplice, or that there were any grounds to suppose any such thing?

Court.

Court. He has given, you obſerve, the reaſon for that; which was, that one perſon who was the neareſt, but was at ſome diſtance, when you came to ſtruggle, aſſiſted you, and endeavoured to prevent him from taking you; he has given no other reaſons for ſuppoſing you had accomplices but that; does any other queſtion occur to you that may be material for your defence?

Priſoner. My Lord, I ſhould be glad Mr. Bagſhaw may be aſked, whether he recollects any perſon ſaying, here is the watch upon the ground.

Court. He has anſwered that already; he ſays, no, that he himſelf heard the craſh of glaſs, and ſtooped and picked it up, nobody ſaid ſo to him.

Mr. Bagſhaw. I did not hear a ſyllable of the kind.

Jury. What poſition was his hand in when he offered ſomething, was it ſhut or open?——I cannot particularly anſwer that queſtion, he had a great coat on, and held it in this kind of manner, at this diſtance, I cannot particularly ſay, but I think it ſeemed to be in this kind of manner, with the palm open downwards, I cannot poſitively anſwer that queſtion.

PRISONER's DEFENCE.

May it pleaſe your Lordſhip and you Gentlemen of the Jury.

With humble ſubmiſſion I entreat your candid attention, and I truſt the ears and hearts of all in this Honourable Court will be as open and ready to receive impreſſions in my favour, as they may be to admit thoſe of a contrary nature. The evening in which this matter is ſtated to have happened I went to ſee the play, it was Macbeth, the houſe was filled early, and hearing it mentioned that there was no more room at that ſide, I was going to another part of the houſe, when I was accoſted by the proſecutor, who ſaid, *Sir, you have got my watch.* I told him I had not, and that he ſhould be ſatisfied of it in any manner he choſe. There were ſeveral perſons preſent at the time. An altercation took place, during which a by-ſtander cried out, *There is a watch on the ground.* This was at ſome yards diſtance from him. The proſecutor ran, but whether he ſtooped himſelf, or it was given him by a by-ſtander, I cannot ſay; but he took it, and declared it to be his. It has been ſtated, that when he accuſed me, I extended my hand, as if I was offering ſomething to ſome perſon; whether I did or not I cannot take upon me to ſay; but I truſt that it will not be conſidered as an unnatural poſition for any perſon ſo accuſed, to extend his arm or hand. Perhaps it will be more reaſonable to imagine, that an endeavour would be made to conceal them, if the accuſation had been juſt; and I truſt, Gentlemen of the Jury, that it will be worthy your moſt ſerious conſideration, that while this circumſtance is mentioned in order to criminate, the proſecutor has acknowledged, at the ſame time, that he ſaw nothing in my hand, ſaw me drop nothing, or give any thing to any perſon whatever. It has been ſtated, that during the altercation he received ſome violent treatment, and though he has acknowledged it did not proceed from me, yet an endeavour has been made to turn it to my diſadvantage. I moſt humbly beg leave to obſerve, that in conſequence of the alarm a croud came, and hearing ſuch a charge made, and ſeeing two people diſputing, both decently dreſſed, and much alike in heighth, and not immediately knowing which was the accuſed perſon, ſome, more violent than the reſt, might have laid hold of *him*, as the others did of *me*, until they were ſatisfied which was the accuſer. This I humbly conceive, and this alone, gave riſe to the violence complained of; and though it has been laboured to impreſs the Court, with an idea that it proceeded from accomplices, yet I humbly hope, that, where there are no ſolid proofs to eſtabliſh ſuch an idea, it will not be received; and therefore that in this, as well as in every other circumſtance of ſurmiſe or conjecture, it will be deemed as juſt and charitable to ſuppoſe *for* as to ſuppoſe *againſt* the priſoner; and I truſt too, that the juſtice and humanity

humanity of this Honourable Court will not allow that a man, though he may be unfortunate enough to have a blemiſhed character, ſhall be made reſponſible for offences which others have committed, or that a ſurmiſe or ſuppoſition will be ſuffered to ſupply the place of clear convincing proofs. Whether thoſe that have appeared on this occaſion are of that kind or not, would be preſumption in me to ſay; I humbly hope they are not. But I muſt beg leave, Gentlemen of the Jury, with all humility, to call your attention for a moment to another ſubject, which, though it has not, and ought not to have, any connection with the evidence, may, without much care, have weight in deciding my fate. It has been my misfortune to have ſuffered much from ill-natured report, and from wanton invention, at a time too, when I can truly ſay, that I had been uſing my beſt endeavours to merit commendation inſtead of reproach; and I thought to have had it in my power to have given convincing proofs of this to the Court, from a gentleman in whoſe employment I have been for ſome time, but who is now abſent on his affairs in Ireland. Deſirous of having his teſtimony, which I knew muſt be favourable to me, I thought to have requeſted of the Court, to defer my trial till the following ſeſſions; but being told that the abſence of witneſſes which went to character, was not in general deemed ſufficiently material to defer a trial, I have omitted troubling them with the application. And although, under theſe circumſtances of impriſonment and an impending trial, yet they have not ſecured me from the effects of inconſiderate wantonneſs. Circumſtances have been related of me which never happened, and others have been cruelly exaggerated. I do not ſay this in order to excite your compaſſion, but to allay inflammation. Gentlemen, prejudice ſees through a glaſs, which makes things appear quite different from what they really are; you beſt know, Gentlemen, whether, in conſequence of any thing of that kind, your minds may have contracted a biaſs unfavourable to me. If, upon reflection, you think that they have, I am ſure you will carefully examine your breaſts; and if upon a cool and impartial conſideration of the evidence alone, you think or doubt, that it is not of that perfect and ſubſtantial nature, which ſhould induce you to find a verdict againſt any *other perſon*, I am ſure you will not againſt *me*, ſince you muſt be fully ſenſible, that in ſuch a caſe it would be a conviction from prejudice, and not from evidence. But, Gentlemen, I have an implicit confidence in your goodneſs; and I truſt you will not only lay aſide all paſſion and prejudice yourſelves, but that you will be pleaſed to make a candid allowance for the effects of it in others; and that you will proceed with that cautious and tender regard, which good men feel when the fate of a fellow-creature is depending, and which will inſure ſatisfaction to your minds, when words cannot be recalled, and when the power of prejudice is no more."

Mr. Baron Eyre ſummed up the evidence to the Jury, and then added:

Gentlemen, this is evidence in its nature circumſtantial; the circumſtances that go to impute the charge of ſtealing this watch to the priſoner are, that according to Mr. Bagſhaw, he was immediately next behind him, or rather at the moment he felt his watch, ſtanding on his right ſide; that the priſoner's poſition was ſhifted the moment he found his watch gone, and the priſoner was making his way out; that he followed him beyond five or ſix perſons that were neareſt behind, and when he got out from them, and there was only one perſon ſtanding near him, and he at two or three yards diſtance, after the priſoner had been ſeen holding out his hand, the watch did fall to the ground from ſomebody, nearly in a perpendicular line from the priſoner's arm, as it was ſtretched out: theſe are circumſtances that are of a nature firſt of all to render it probable, from the ſituation that the priſoner ſtood in at the time it was miſſed, that he might take the watch, and that render it ſomewhat more than probable from the ſituations, that the watch muſt have fallen from the priſoner, and could have fallen from nobody elſe; that is the name of

of the evidence, and if the circumſtances are ſufficient to ſatisfy you, that the watch could have fallen from nobody but the priſoner, then that is equal undoubtedly to direct proof that the watch did fall from the priſoner: the priſoner has made a defence, which nobody could hear without lamenting, that a man poſſeſſed of ſuch talents, ſhould have the misfortune to ſtand accuſed of a crime of this nature, or to have a character in any degree blemiſhed, that ſhould prevent ſuch talents from being exerted to his own advantage, and the advantage of the public; for certainly thoſe talents might have placed him in a very different ſituation indeed, from that in which he ſtands now, it might have intitled him to the reſpect and the regard of the public, inſtead of being a perſon accuſed of an offence of this nature: what impreſſion that defence will make is quite another conſideration; the ability is one thing, and the application of it, to anſwer this charge, another thing; the firſt point was to excuſe his retiring after the watch was miſſed, which as he alledges, was, becauſe he underſtood the pit was full, there is no evidence one way or the other about that; with reſpect to the reſt of the defence, it goes to contradict the evidence that the watch did fall to the ground; now from Mr. Bagſhaw's evidence, the watch did certainly fall to the ground immediately within his hearing, and almoſt cloſe to him, which is the very point of the caſe; becauſe if the watch had been found on the ground when they came out, and nobody could ſay that it had fallen from any body, it would ſtand quite an uncertain thing how it came there: and there would be nothing to impute to the priſoner reſpecting it; but if it did fall ſo as to make it moſt probable that it did fall from him, after he had been challenged with having the watch, and after he had held out his hand in that manner, which occaſioned the obſervation you have heard, of that you will judge: as to the reſt of the defence, it ſeems to be an application to your humanity; you will undoubtedly feel yourſelves diſpoſed to wiſh, that a man who could make ſuch a ſpeech to you, was innocent of this and every other crime; but with thoſe wiſhes about you, you will ſtill examine the evidence with a proper attention, and due inveſtigation of the circumſtances of this charge; the circumſtances againſt him are, that he was near the proſecutor when the watch was miſſed, that he ſhifted his poſture in a moment, that he was then retiring from the play-houſe, where his buſineſs was to have gone in, without eſtabliſhing the fact to you that the pit was full, and after that, at that moment the watch falls from ſomebody; you will be to ſay whether theſe circumſtances ſatisfy you that the watch fell from him, if they do, they certainly amount to a clear and convincing evidence that he is guilty of the fact; if, upon a due conſideration of the caſe, it appears to you that it is not ſufficiently authenticated that the watch was in his poſſeſſion by falling from him, and that the circumſtances of the caſe, though juſtifying a general ſuſpicion againſt him, are not ſufficient to convince you that he was the perſon concerned in ſtealing this watch, then you will acquit him; and if you do acquit him, I hope, that a man poſſeſſed of ſuch talents as he is poſſeſſed of, and having, as he ſays, friends which may aſſiſt him, and by which thoſe talents may be made of advantage; that he will turn them to that advantage, and will make a good uſe of them; and that this will be the laſt time that we ſhall ſee him in this place.

The Jury conferred a few minutes, and gave a verdict,

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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431. JAMES JONES was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of the Honourable William Harcourt, about the hour of three

three in the night, on the 26th of March laſt, and burglatiouſly ſtealing therein two livery cloth great coats, value 10s. a cotton waiſtcoat, value 5s. a pair of leather breeches, value 10s. one pair of man's leather boots, value 10s. his property; and two ſhirts, value 5s. two neckcloths, value 2s. one linen night-cap, value 6d. two pair of worſted ſtockings, value 2s. one pair of gloves, value 1s. 6d. a hat, value 3s. one pair of ſhoes, value 2s. one handkerchief, value 6d. a pair of ſteel nut-crackers, value 3d. a leather whip with a whalebone handle, value 12d. one printed bound ſong book, entitled the Maſk, value 12d. the property of Jonathan Spence; and three linen ſhirts, value 6s. a pair of ſtockings, value 18d. one neckcloth, value 6d. and one handkerchief, value 3d. the property of William Brach.

JONATHAN SPENCE *ſworn.*

I am ſervant to General Harcourt, in Portland Place; the hay-loft door was broke open, and the door where the clothes were had the pannel cut out; I diſcovered it about half paſt three; I went up into the room, and the watchman with me; the hay-loft door was faſt with the bolts on the inſide, I imagine it had been broke open with a fork which I found broke in the hay-loft; the bolt was broke off by force, the clothes were in the bed chamber; the laundry is over the ſtable, and the bedchamber nearer the houſe, but on the ſame floor with the hay-loft, over the ſtables; we chiefly ſleep in doors, but when we are full of company we ſleep there: there was no bed there, nothing but clothes and cheſts. I loſt a family great coat, and new boots and buckſkin breeches belonging to the General; they were livery clothes; there were two new ſhirts, and a pair of new gloves; I loſt the things mentioned in the indictment; the hat is here: my fellow ſervant loſt three new ſhirts, he is here; my things were loſt out of my own cheſt, which was broke open, and is all to pieces; I ſecured the loſt over night, as ſecure as I could.

How came the priſoner to be there?——He had helped me a few days before, it happened he ſlept where the hay was, there was no clothes where he was, nor any thing there, and he could not get out of that without breaking all open.

How did he get to the place where the hay was?——I went up and faſtened him in about eleven at night; I faſtened him in with the bolts that were within ſide, it was an inſide door that he broke.

JOHN FACEY *ſworn.*

I am a watchman; I catched young Jones with the property upon him, between three and four in the morning, on the 26th of March, I found thoſe things mentioned in the indictment; he had a bundle and this whip; he was going towards Cavendiſh-ſtreet, I found him in Chandos-ſtreet, Mary-le-bon, that was about one hundred yards from Portland Place, I ſtopped him and the bundle, this is the bundle that he had, and he had coat and boots beſides this bundle; one coat he had on, the other under his arm, the boots were in the bundle, this is the coat he had on.

Spence. Here is my name on the coat, it is the General's family coat, given to me; I left it in my own room where all our linen and clothes lay; the other coat belongs to the poſtilion, William Brack; the boots belong to the General, they are my boots he gives them to me.

(The things in the bundle depoſed to by Spence.

And I know my fellow ſervants things as well as I know my own; we have been fellow ſervants theſe two years.

PRISONER's DEFENCE.

The coachman told me the night before he was going to Bath, and I did not know what to do, I was out of place; I thought to go down in the country, I have neither father nor mother.

Court. How came you by all theſe goods——I was going to take them with me.

Court to Spence. How long had this fellow been about your ſtables?—He had been about

about a fortnight in the Mews, he drew beer at a public houſe juſt by.

Priſoner. A gentleman in Gray's-Inn-lane, whom I lived with two years, promiſed to be here.

(Called, but nobody anſwered.)

Jury. We wiſh to know whether we can bring it under a capital crime.

Court. If you are of opinion the door was not bolted, it would only be larceny; if the door was bolted, it will be a burglary.

GUILTY, Death.

He was humbly recommended to mercy by the Jury.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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432. STEPHEN LANGDON was indicted for feloniouſly ſtealing on the 19th day of March laſt ten guineas, value 10l. 10s. and one half guinea, value 10s. 6d. the property of Thomas Johnſon, in the dwelling houſe of Edward Roakley.

THOMAS JOHNSON *ſworn.*

I lodged in Queen-ſtreet, St. Ann's, in the houſe of Edward Roakley; I was deſired by an acquaintance to let the priſoner be with me in my lodgings, as he was out of place, till he could get a place: on the 14th of March he came to me to lodge; he went out very ſoon on Palm Sunday, between five and ſix; when I came home from my duty I went to church, and when I returned, I had occaſion to go to my box; I had not been there that morning, I found my box locked; I had my money on Saturday in the afternoon, and my money was tied up in a cloth, ten whole guineas, and an half guinea; the room was double locked and padlocked, as I left it; when I miſſed my money, I enquired after the priſoner, and found he lodged in Whitcomb-ſtreet, I had diligently made enquiry, and I found a handſome new trunk, with his name upon it; accordingly on Monday the 21ſt, about eleven o'clock in the forenoon, Atkins, where he lodged, ſtopped the priſoner, and ſent to me: the priſoner denied taking any property; he was ſearched all over, and in his ſhoes were found five guineas, two in one ſhoe and three in the other; one guinea was marked, and the half guinea was marked; the guinea was refuſed to be taken, for I went to have it changed becauſe it was lightiſh, and I marked it by taking it in my fingers and ſtriking it pretty quick on a rough whetſtone, on the milling edge of the guinea; I ſhould know it if ever it was offered to be changed; and the half guinea I marked with one prong of a fork for the ſame reaſon as the guinea; I told John Taylor the conſtable ſo, and another perſon at the office, before he was ſearched; when we found the marked money upon him, then he acknowledged he had taken it out of my box.

Court. Did you make him any promiſes before he would confeſs?—None at all, I am ſure of that; he ſaid he took it out of my box with a key: I went upon my duty at night upon the watch, and I locked him in every night.

What did he ſay?—He ſaid he had taken it, he made ſome kind of apology when before the Juſtice, he ſignified that he was in diſtreſs; he had bought new cloaths, a new coat, waiſtcoat, and breeches, and ſtockings and handkerchief; he ſaid he had laid out three pounds ſix ſhillings in theſe things, and had ſpent about two pounds four ſhillings and ſix-pence on Sunday in pleaſuring, or ſome other amuſement, and the remainder he had; he was committed.

JOHN TAYLOR *ſworn.*

Here are the clothes which he owned, and in his ſhoes I found five guineas, two in one ſhoe, and three in another, and one guinea the proſecutor ſaid he could ſwear to, which was found upon him; I have had it in my poſſeſſion ever ſince; he ſaid there was no more money, he had laid out the reſt.

(The guinea produced and depoſed to.)

Court

Court to Profecutor. What fort of mark did it make?——It made a little fort of a bulge over the milling; this is the guinea.

Are you ſure that is the guinea?—Yes.

Are you clear in that?—Yes.

Quite clear?——Yes.

PRISONER's DEFENCE.

I never ſaw any money belonging to him, it is all my own; I never ſaw his box, or had the handling of his money.

GUILTY, Death.

The priſoner was humbly recommended by the Jury to his Majeſty's mercy.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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433. MARY CLARK was indicted for feloniouſly ſtealing, on the 13th day of March laſt, one ſilver watch, value 50s. one ſteel chain, value 6d. one compaſs ſeal ſet in baſe metal, value 2s. and one key, value 1d. the property of William Lunnagan, privily from his perſon.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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434. JOSEPH MANNING was indicted for feloniouſly ſtealing on the 14th day of March laſt, one pair of woollen blankets, value 5s. the property of Thomas Shaw, being in a certain lodging in the dwelling-houſe of the ſaid Thomas, let by contract by him to the ſaid Joſeph, and to be uſed by him with the ſaid lodging, againſt the ſtatute.

THOMAS SHAW *ſworn.*

The priſoner lodged in my houſe one night, and the next morning about eight o'clock, I was alarmed about a man coming out with a blanket, I immediately ran after him, I ſaw it under his arm; I cried out ſtop thief, and ran as hard as ever I could; he ran acroſs Drury-lane, and turned up a court, and dropped the blankets; I did not ſee him drop them: he was brought back.

SARAH HILL *ſworn.*

I live in the ſame court with Shaw, and between eight and nine I was looking out of my window, and I ſaw the priſoner come out of the profecutor's houſe, with one blanket with the corner of it hanging out of his coat; I ſaid, Maſter, you had better leave that blanket behind you: I have no doubt of its being the priſoner.

SARAH WALLIS *ſworn.*

The priſoner is the ſame man I lighted to bed the night before; the blankets were on the bed the night before; theſe are the ſame blankets.

PRISONER's DEFENCE.

I know nothing of the blankets; it is a houſe of ill fame, and they let lodgings at two-pence or three-pence a night; there were four more people in the ſame room; I came down in the morning about nine, and left another perſon in the room; I am a ſtranger, I came from Colcheſter.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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435. JOHN HILL was indicted for feloniouſly ſtealing, on the 16th day of March laſt, two linen ſhirts, value 10s. and two aprons, value 3s. the property of Catherine Shayler.

The

The Priſoner was ſeen taking the things which were hung to dry, and was ſtopped directly with them under his arm.

GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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436. ELIZABETH STUBBS was indicted for feloniouſly ſtealing on the 5th day of March laſt, one watch made of ſilver, with the outſide caſe covered with ſhagreen, value 42s. one ſteel chain, value 6d. one key, value 2d. one braſs ſeal, value 2d. the property of James Biggs, in his dwelling houſe.

The witneſſes examined apart at the requeſt of the priſoner.

SARAH BIGGS *ſworn.*

I am wife of James Biggs; I went out and left my door not locked, about five in the afternoon; nobody was at home but the lodgers; the priſoner lived in one of my rooms, and Elizabeth Evans in the other: the priſoner was at home when I went out; I left the watch hanging on the mantle piece; I returned in about ten minutes, and miſſed the watch; I left the other lodger in care of the door, I told her the watch hung up: the priſoner was not at home when I came in: the watch was found at the pawnbroker's, by Mary Dilnot.

ELIZABETH EVANS *ſworn.*

I was left in care of the watch by the proſecutor's wife, and I ſhut the ſtreet door, and I went into my own apartment; and preſently I found the outſide door had been opened on the inſide, it could not be opened but from the inſide; I heard or ſaw nobody; I ſtopped the watch afterwards in the Minories.

MARY DILNOT *ſworn.*

I was coming by, and the proſecutor's wife was crying out about her watch, and ſhe aſked me to go to ſee for it; and I went and found the priſoner at a pawnbroker's pawning the watch; I knew the watch, I had ſeveral times ſeen it: the priſoner ſaid nothing; and the pawnbroker in the priſoner's preſence ſaid, ſhe brought the watch there; ſhe ſaid nothing; and he gave her the watch, and ſhe took it, and gave it to Mrs. Biggs.

(The watch produced and depoſed to.)

PRISONER's DEFENCE.

The proſecutor's wife gave me this watch to pledge: the pawnbroker I believe is here.

(William Windſor, the pawnbroker, was called on his ſubpœna, but did not appear.)

Priſoner. I ſubpœned him this morning.

Court to Mary Dilnot. Did any ſuch thing paſs at the pawnbroker's, as the priſoner has ſaid?—No it did not, I am ſure of that.

Court. Though the pawnbroker is not here, if any ſuch thing paſſed in his preſence, he can prove it hereafter?—No ſuch thing paſſed.

Court to Mrs. Biggs. Did you ever deſire her to pledge this watch?—No.

Did you ever tell the pawnbroker that you had deſired her to pledge it?——No, he aſked me if I knew that watch; I told him I could ſwear to it.

The priſoner called three witneſſes, who gave her a good character.

Priſoner. When Mr. Biggs came home, he ſaid they had done it very clever, and if they ſtuck to what they had done, they would get forty pounds, or a Tyburn ticket.

NOT GUILTY.

N B. Upon the proſecutor applying for his expences, the Court informed him, that if he brought the pawnbroker, and he diſproved the priſoner's aſſertions, he ſhould have his expences: but if what the priſoner

ſoner ſaid was true, and the poor woman could afford to proſecute him, ſhe ſhould have a copy of her indictment granted by the Court.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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437. JEREMIAH LEONARD was indicted for feloniouſly ſtealing, on the 20th of February laſt, one wooden half hogſhead caſk, value 5s. the property of Charles Page.

GUILTY

Of ſtealing to the value of 10d.

Privately whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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438. JOHN COX was indicted for feloniouſly ſtealing on the 11th of March, 140lb. weight of lead, value 10s. belonging to John and Jacob James, and affixed to a certain building of theirs, called a warehouſe, againſt the ſtatute.

The priſoner was taken in the houſe, with the lead upon him.

GUILTY.

Whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury befor Mr. Baron EYRE.

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439. RICHARD CLARKE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of William Dermer, about the hour of eight in the night, on the 8th of March laſt, and burglariouſly ſtealing therein one mahogany ring caſe, value 12d. ſix gold rings, value 30s. his property.

Mrs. DERMER *ſworn.*

I am wife of William Dermer, in the Strand, jeweller; I cannot ſay when we loſt our rings, it was of a Tueſday, on the 8th of laſt month, between ſeven and eight in the evening: I was called out, I found the window broke, and theſe rings about the door; they were in this caſe in the window.

CHARLES LANGSTON *ſworn.*

On Tueſday the 8th of March, I was called on, by a friend of mine, who informed me the proſecutor's window was in danger; I ſtepped over the way, and I had not been there above a minute or two, before I obſerved the priſoner ſtruck his arm through the glaſs of the ſhop window; I ſaw him take ſomething out of the window; I immediately collared him, and took him within three doors of the place; there was another man ſtanding near; I took the priſoner, and carried him to the proſecutor's ſhop; but before I took him, two others had joined him; I did not find the rings.

Court. Did it appear to you that he broke the window wilfully?——Yes, Sir, he placed himſelf there on purpoſe.

THOMAS ARNETT *ſworn.*

I was coming along the Strand, going into the city; I ſaw four men about the door, and I informed Mr. Langſton, and I deſired him to croſs the way, and I would go on the other ſide; as ſoon as he croſſed the way the window ſmaſhed; but I did not ſee that; I helped him to ſecure the priſoner.

Are you ſure you ſaw the priſoner at the window?—No, Sir, I am not ſure.

Priſoner. When I was examined at the Juſtice's, he ſaid I was round the window.

Court. Can you ſay he is not one of the four men?—I cannot.

Mrs. Dermer. I found the rings at the door, directly after the alarm; the caſe was found by a woman ſtranger, in a line juſt by; ſhe is not here; it was brought directly.

How

How many rings did you find looſe?—Thirteen.

Are they gold rings?——Yes; and one ſilver buckle.

Are you able to ſwear to any of theſe rings?—Yes, I can ſwear to them all.

Is there any mark upon them?—No.

If they had been found any where elſe could you have ſworn to them?—No.

Then you only judge from the circumſtances that they muſt have been yours?—Yes; the buckle I can ſwear to.

Mr. Langſton. I forgot to mention to the Court that the man's hand bled when I brought him into the ſhop.

PRISONER's DEFENCE.

I was going to my aunt's, in the Strand, and that gentleman came up, and there was a buſtle, and he ſaid I was one; I ſaid, I will go in with you.

How came your hand bleeding?—This button broke off my breeches, and there was a pin in it; but there was no cut in my hand, it was a ſcratch; here is my hand now.

What way of life have you been in?—I am a ſhoemaker.

How old are you?—Twenty three.

Have you been working lately in your buſineſs?—My maſter died before I was out of my time; I work for myſelf tranſlating; I have not a witneſs in the world; I have been a ſoldier in the Middleſex Militia three years.

If you had behaved well in that capacity I am ſure your officer would have appeared for you?—I did behave well indeed, Captain Taylor is my Captain, in the Weſtminſter Middleſex Militia.

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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440. THOMAS SCOTT was indicted for feloniouſly aſſaulting William Thompſon, on the King's highway, on the 3d of April, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 30s. one ſeal, value 1s. one chain, value 3d. one key, value 1d. one ſhilling, value 12d. and two ſix-pences, value 12d. his property.

WILLIAM THOMPSON *ſworn.*

I was robbed laſt Sunday evening, between nine and ten, in the New-road, near St. George's turnpike, three men met me, one held me, while two others rifled my pockets; I ſaid, do not uſe me ill, I have not much money in my pocket, I will not make a noiſe; one of them ſaid, damn his eyes, *give him a topper at once*; they took my watch, one ſhilling, and two ſixpences, and a few halfpence, about three or four pennyworth; the one that held me gave me a ſhove, and ſaid, go along; they went about twenty or thirty yards, and ſome people were coming along, and I cried out, ſtop thief; they were followed, I kept about the diſtance of between fifty and ſixty yards, for fear they ſhould ſhoot me; and I heard John Nightingale ſay, damn him, I have got him faſt; I then went up, and ſaw the ſcuffle: the priſoner was one of the men, and Nightingale took the property from him.

JOHN NIGHTINGALE *ſworn.*

I was coming from Mile-End, between nine and ten, I heard the cry of ſtop thief, ſtop thief! two or three times, in about half a minute two men came in ſight of me; I let them paſs me, they gently paſſed me, I did not think they were the perſons; but I ſaid to the perſon that was with me, perhaps theſe are the men that have done the robbery, and I turned round to take them, and they ran as hard as they could, and I run after them, and caught one of the men in about twenty yards, that was the priſoner; I found no fire arms about him, but clenched in his hand was the watch and chain, one ſhilling and two ſixpences; I opened his hand, and out tumbled the watch;

watch; I delivered the watch, and the money to the officer of the night.

NATHAN NATHANS *ſworn.*

I was with the laſt witneſs between nine and ten going down the new road, I heard the cry of ſtop thief! or ſtop them, I cannot tell which, I ſaw three men going gently, I had no ſuſpicion of them then, as ſoon as I turned round to them, ſays the priſoner, you dog, if you look at me, or offer to ſtop me, I will blow your brains out; I run after him, and hit him three or four times with a ſtick, and I knocked him down, I ſaw the watch drop from him.

JOHN THOMAS *ſworn.*

I produce theſe things, I have had them ever ſince. *(The things depoſed to.)* The ſeal is a ſhip in full ſail.

PRISONER's DEFENCE.

I was coming up the road, and they came and took me.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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441. MARY BUTLER was indicted for feloniouſly ſtealing, on the 27th of February laſt, twenty yards of corderoy cloth, value 40s. ſeven yards of ſilk ſhag, value 3l. ſeven yards of hair ſhag, value 40s. four yards of velveret, value 20s. two worſted waiſtcoat pieces, value 10s. the property of Patrick Kenny in his dwelling houſe.

PATRICK KENNY *ſworn.*

I went out about three to a funeral, I left my wife at home, ſhe was going out; I came home about ten, and the next morning I found my ſhop had been robbed, the lock leading from the ſtairs to the ſhop appeared to be picked; I miſſed out of my ſhop the things mentioned in the indictment, ſome of the things were found again, here is what I found, here are gentlemen that found them, I found theſe things in St. Martin's-lane; I had three tickets from the priſoner, ſhe gave them to me, ſhe went down ſtairs for them, there were a great many more that were found under my ſtair head in the kitchen, but that ticket was delivered to me; I ſpoke to her in the ſhop, and ſaid, you have more tickets about you, be ſo kind as to let me have them, ſhe ſaid, it was not her that took them, ſhe had a confederate, whoſe name was Harry Coffee, and if I would give her a little indulgence ſhe would find him, ſhe then ſaid, ſhe would ſoon ſhew me where ſhe had pawned theſe things.

Did you make her any promiſes, if ſhe would confeſs the truth?——I told her ſo far, that if ſhe would find out this man, I would give her a little indulgence.

Priſoner. When you made it up with me, you told me you would not hurt me.

Court. Did you before ſhe produced the tickets, promiſe her forgiveneſs?——I did not, that was not till the tickets were brought.

SAMUEL RENSHAW *ſworn.*

I am a pawnbroker, here are four yards of velveret, Mr. Kenny calls honey-comb cotton, I call it corderoy, and Mr. Kenny has called it ſo in the indictment; the priſoner pledged it with me on the 3d of March, I did not know her before, I am ſure it was the priſoner, I am ſure it is the ſame, ſhe pledged it with me, I put a ticket on it directly. *(The corderoy depoſed to.)* This mark was found under her bed, which was taken from my ſhop the priſoner went with me, and I will ſwear to this mark, that is 159, this is the hair ſhag, ſhe went for theſe things.

RICHARD BROWN *ſworn.*

I produce two waiſtcoats, I cannot ſwear to the perſon that brought them.

JOHN WATTS *ſworn.*

I have ſome ſhag, I cannot tell who pawned it.

Wil-

WILLIAM ROBERTSON *ſworn.*

I have two waiſtcoat patterns, I had them of the priſoner, I am ſure of that, it was the 28th of February.

Proſecutor. I cannot depoſe to theſe, but I believe them to be mine, there are the ſame cut and ſort that I loſt.

Court to Renſhaw. In what name was the firſt piece pawned by the priſoner?——In the name of Sally Pearce.

Robertſon. She pawned the waiſtcoats in the name of Nancy Murphy.

THOMAS BROWN *ſworn.*

Here is ſome more c rd roy, I believe it was the priſoner, it was in the name of Margaret Carn.

PRISONER's DEFENCE.

I took lodgings in the proſecutor's houſe at ſix ſhillings a-week, and a man came to me and gave me theſe things to pawn, I did not know they were Mr. Kenny's, I came down to pay my rent, and the ticket fell from my pocket, and Mrs. Kenny picked it up, ſhe came to my room, and aſked me if I had not pawned ſome of that pattern, I told her I did, and more, and if the things belonged to her I was willing to give her the duplicates, accordingly the boy went with me, I had fourteen ſhillings and ſixpence in my pocket, I redeemed thoſe things upon promiſe that they would not hurt me, I had them from a young man in the ſtreet.

Who is that young man?——His name he told me was George Coffee.

Was not he an acquaintance?——A very ſlight acquaintance.

Do you know what is become of him?—I do not know indeed.

Have you any witneſſes?—Yes.

The priſoner called two witneſſes who gave her a good character.

Court to Proſecutor. What may the value of theſe things be?—I ſuppoſe about ſix or ſeven pounds.

GUILTY

Of ſtealing to the value of 39s.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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428. JAMES HAYWARD was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Weale, about the hour of nine in the night, on the 17th of March laſt, and feloniouſly ſtealing therein, one ſilver pap ſpoon, value 4s. four ſilver table ſpoons, value 30s. two ſilver ſalts, value 10s. a ſilver punch ladle, value 5s. ſix ſilver tea ſpoons, value 6s. a pair of ſilver tea tongs, value 3s. one ſilver ſhoe buckle, value 3s. one man's cloth great coat, value 2s. three men's cloth coats, value 3l. three cloth waiſtcoats, value 8s. two dimity waiſtcoats, value 6s. one ſilk waiſtcoat, value 3s. three flannel waiſtcoats, value 3s. one pair of cloth breeches, value 8s. one pair of velveret breeches, value 4s. three women's ſilk gowns, value 3l. two cotton gowns, value 20s. a black bombazeen gown and petticoat, value 20s. a pair of ſtays, value 15s. a marcella petticoat, value 5s. a dimity petticoat, value 5s. ſix aprons, value 6s. four table cloths, value 4s. ſix handkerchiefs, value 3s. the property of the ſaid John.

(The witneſſes examined apart at the requeſt of the priſoner.)

HENRY NEALE *ſworn.*

On the 17th of March laſt, about nine in the evening, I was out and my wife and daughter, I went a little before eight; I left my apprentice at home, whoſe name is Henry Hill, I left nobody elſe at home,

my wife was gone out before me; when I returned a little before ten, I found the apprentice at home, and ſeveral other people in the houſe, the houſe was all in an uproar, and I found the marks of ſomething by which the houſe had been broke open; when I went out I locked the parlour door and left the boy in the kitchen, there is no ſtreet door, we live in the inn-yard, the Red-Lion and Spread-Eagle.

What ſort of dwelling-houſe is your's then?——A dwelling in the middle of the yard, there is an outer door at the bottom of the ſtairs, in the yard, which we generally leave open, nobody elſe lives in the ſame ſtair caſe; I left the boy in the kitchen with the door open, the parlour is within the kitchen, I was ſent for home, and the priſoner was in cuſtody, and I miſſed four tea ſpoons, and a ſilver buckle, and ſome handkerchiefs, and a handle of a ſpoon which was taken on the priſoner, the clothes were all thrown about, we collected them together, and made an inventory of them.

Court. Had you no reaſon to ſuſpect that the boy was an accomplice?——I ſuſpected him at firſt, but he finding the people in the houſe, and giving the alarm, it cleared the boy.

HENRY HILL *ſworn.*

It was the 17th of laſt March, that my maſter went out, I went down to the public houſe as uſual, and ſtaid there about three quarters of an hour; I went out about a quarter of an hour after, and I locked the door as uſual, and hung the key upon the window in my little room where I lay, in the uſual place; my maſter knew where to find it; the bell was going eight when I went down ſtairs, I was out about a quarter of an hour, then I went up ſtairs to ſee if the fire was alight and put on ſome coals, then I came down ſtairs again and locked the door, all was ſafe, and about three quarters of an hour after, the hoſtler came into the houſe, and aſked me to lend him a pen and ink, I went up ſtairs for a pen and ink, and the key was in the place, but when I put it in the kitchen door, the door flew open, this was wanting a quarter to nine, I found the door was only ſhut too, when the door flew open, I catched it in my hand, and then I ſaw the priſoner and another man in the parlour which is directly fronting the kitchen, and they directly put out the light which they had, and I run down and called out thieves, the hoſtler was waiting at the bottom of the ſtairs for pen and ink, and ſtood there with a fork in his hand, till I went into the public houſe to give the alarm, the people came, and as we were coming up the yard again, one jumped out of the back window, the garden pots fell down and that made us hear him, when I went up again, I found nobody in the in the room, he that jumped out of the window got away, and then we ſhut the gates and this man came running crying ſtop thief! where are they, and one of the poſt-boys whoſe name is Job Lee, came running crying ſtop him; the priſoner was running up the yard towards the back way to get out, the hoſtler's name who ſtood at the foot of the ſtairs, was William Chandler, he was then up at the back gate along with me running after the other, and when the priſoner came up to the gate he wanted to go out, and we would not let him; the priſoner was ſtopped, and taken and as ſoon as ever we laid hold of him, he put his hands into his waiſtcoat pockets, and took out the bowl of a pap ſpoon and dropped it, I ſaw him drop it, and I took it up directly; nothing elſe was found upon him that I ſaw, the kitchen door appeared to have been broke open, the lock was bent almoſt double, it looked as if had been forced the parlour door was wide open, and the box that the ſcrews go into, one end of it the ſcrews forced off.

Priſoner. He ſaid before the Juſtice the firſt night, that he did not know who it was he ſaw in the room?——I am ſure it was him by the ſight of him, he had a brown coat on, and a pair of boots, and a cocked hat, he was as far off as I am from you

you or rather farther, he had a light in his hand, and when he put out the light his face was towards me.

Priſoner. When I was firſt taken, he never offered to mention this.

Priſoner to witneſs. Which pocket did I take it out of?——You put both hands together and took it out.

JOB LEE *ſworn.*

I am poſt-boy at this inn, I was juſt come in with a carriage, and as I was taking the pole out, I ſaw the priſoner jump out of the window of the proſecutor's kitchen, into the yard.

Court. You are ſure you ſaw him jump out?——Yes.

Did you ever loſe ſight of him before he was taken?——No.

Are you clear of that?——Yes.

Did you ſee any thing found upon him?——No, I did not.

WILLIAM CHANDLER *ſworn.*

I am the hoſtler of this inn, I wanted to borrow a pen and ink of the apprentice, and at the ſame time the apprentice run up for the pen and ink, he told me there were thieves in the houſe, ſays I, I will ſtay here with the fork while you go and alarm the houſe, preſently I heard a great noiſe at the back window which were the flower pots rolling down off the window upon the ſtones; I preſently run round the corner, and there was one man getting on his legs, and he ran away, I ſhut the gates againſt the priſoner, and called ſtop thief! I ſhut the gate againſt him, and Job Lee was after him, there is a way round into the yard from the back window.

SUSANNAH LEES *ſworn.*

On the 17th of laſt March, between the hours of eight and nine in the evening this boy was ſitting in our houſe drinking ſome beer, and our hoſtler wanted a pen and ink, and the boy went to get it, and he made an alarm; I went up ſtairs, and the apprentice gave me theſe things in my lap, which were ſtanding on the kitchen hearth, I ſaw him take them from the hearth in the kitchen, I have had them in my poſſeſſion ever ſince.

Court to Hill. Are theſe the things that you found?——Yes.

Where did you find theſe things?——When I went up ſtairs with the men, I ſaw them laying on the kitchen hearth.

Where had they been uſually kept?—In the beaufet in the parlour.

(The things depoſed to by the proſecutor.)

Here is my wife's brother's name on the table ſpoons, and I believe the ſalts to be mine, but I never took any particular notice of the mark; I am clear they are mine, they were uſually kept in the beaufet in the room which we call the bedroom, it goes through the parlour into the kitchen.

(The pap-ſpoon produced and depoſed to.)

PRISONER's DEFENCE.

I was running down George-yard, Whitechapel, I heard the cry of ſtop thief, and when I was coming out of the yard they took me; when they went to the public houſe, they began ſharing the forty pounds, and ſaying, one ſhould get ſo much, and another ſhould get ſo much; the boy did not ſwear to me then; I have reſpectable people to my character, but I did not expect my trial to come on ſo ſoon.

Court. If there are any that you expect, tell their names, and they ſhall be called.—There is one Mr. Clark, Mr. Taylor, and Mr. Jones.

(They were called but did not appear.)

Proſecutor. This piſtol was found in the yard, and the lanthorn was found in my apartment.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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429. WILLIAM YOUNG was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of

of Elizabeth Twisden, about the hour of nine in the night, on the 11th of March last, and feloniously stealing therein five iron keys, value 5s. and one lead canister, value 6d. her property.

ELIZABETH TWISDEN *sworn.*

I live at No. 3, Great Titchfield-street, I am not in business, I have a house at No. 12, in Margaret-street, which was a corner house, was broke open, which adjoins this No. 3, that house did then belong to me.

Did you at that time live in Margaret-street?—I lived in Titchfield-street, but this house in Margaret-street was my house, and partly furnished, I had moved some of the furniture out.

How long had you left it?—I never had left it, I always had somebody to sleep in it; but I let it to Colonel Capper, as a furnished house; and afterwards my sister was in it, and always somebody slept in it, save two or three nights previous to the robbery; at the time this happened there was no one in the house; this robbery was committed early in the evening, on the 11th of March, I heard a noise, and then I heard another noise; I then said to a young man that was just come in, go and see; and he took the key of the street door and a light, his name is John Bengest; I observed him take a knife out of his pocket, and he went into the house; in a moment I went into the passage of No. 3, and I heard a great noise in that garden; I was informed a thief was taken.

JOHN BENGEST *sworn.*

I was sent to see what was the matter by the prosecutrix; I was setting in the parlour with the prosecutrix, we heard a noise in the adjoining house; I asked for a light and the key of the street door, which she gave me, and I went into the other house, and opened the door with the key, which was double locked; coming into the parlour I saw two or three men; as soon as I went in they jumped out of the window, one out of the back parlour window, and one out of the closet window, which they had broke open: I left the parlour, and caught the prisoner coming over the garden wall into the street.

Should you have known he was one of the men that was in the house?——No, my Lord, I cannot swear that he was in the house: I know he is the man that was coming over the wall; I gave him a blow and I cut him in the arm with a knife, he made a great resistance, and we had a very hard struggle, and he tumbled down in the street, I secured him.

Had he taken away any thing?——No, Sir, I secured him till the watchman came to my assistance, he was sent to the watch-house, and then I went into the house, and found several people in the house; and in the passage I found a closet window broke open; the plate of the shutter had been taken down, a pane of glass had been broke, which lets the hand into the screw; the screw was taken out, and the sash was thrown up, and so they got in; the lock of the closet door was forced open, which communicates to the parlour; we found the lock of the parlour door open, it was opened with an iron crow, I saw the marks after; we examined all the gardens; I said there is a neighbouring garden; and the watchman found the keys in the street and in the garden, and brought them to us, and the canister was found under the window in the garden, where they jumped out.

Where did the canister stand before they came into the house?—In the closet.

Was it an empty closet?—Yes.

What part of the closet?—Close to the window, close to the frame, which I took upon, by jumping out of the window they dragged that with them.

The remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 6th of APRIL 1785, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of William Young.

What were the keys?——The keys belong to the doors of that houſe, to ſeveral parts of the houſe, they hung in a cloſet.

Whereabouts did they hang?—The left hand ſide coming in.

Could the keys have been drawn out in the ſame manner as the canniſter might?—No, it is impoſſible.

How long before this alarm had you been in the houſe?—Not that day, nor the day before.

Had any body that you know of been in the houſe?—I believe Mrs. Twiſden was laſt in the houſe.

Court to Proſecutrix. When was you in the houſe before?—I believe it was two days.

HENRY COLLINS *ſworn.*

I was going to the proſecutrix's with a pot of beer, and I ſaw the priſoner come over the wall, and the gentleman came out of the door, and told me to ſtand at the door, and he ran and caught the priſoner as he was coming over the door; he called to the watch, and he was taken to the watch-houſe.

SAMUEL BOVINDALE *ſworn.*

I am a watchman of Mary-le-bon, about nine watch was called, it might be about fifty yards off; I made the beſt of my way, Mr. Bengeſt gave me a charge of the priſoner, I took him to the watch-houſe, we afterwards ſearched the houſe, and found the doors and the windows broke open, and the plate of the window ſhutters broke off; then another perſon, who is not here, found this crow, a knife, and a key; I ſaw the perſon pick them up; ſome time afterwards I found three keys in the ſtreet, and another perſon found two, I ſaw him find them.

How far from the garden wall was it that the keys were found?—I believe about ſeven yards, that is as much as it was.

(The keys produced.)

Proſecutrix. Theſe are the keys of the cloſet on the ground floor of each ſide, this is the key of the drawing room; I know nothing of that key; this is the key of the garrets.

Mr. Bengeſt. I know all theſe five keys.

PRI-

PRISONER's DEFENCE.

I and another had been drinking all that day, and happened to be in liquor, and going by that wall the other man was playing his fun as we went along, and he took my hat off and flung it over, and I went over for it, and getting back again this gentleman caught me.

What way of life have you been in?—I have been at sea eight years.

Have you any friends to speak for you?—I have two in the yard that have known me from my youth.

The prisoner called two witnesses who gave him a very good character.

GUILTY

Of stealing, but not of the burglary.

Transported for seven Years to Africa.

Tried by the first Middlesex Jury before Mr. Baron EYRE.

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430. WILLIAM HARDING was indicted for burglariously and feloniously breaking and entering the dwelling house of Robert Snow, Esq; about the hour of three in the night, on the 5th of March last, and burglariously stealing therein a silver tankard, value 15l. a silver milkpin, value 15s. a silver candlestick, value 40s. a pint mug, value 3l. four silver butter-boats, value 8l. a caudle-cup, value 30s. a pair of silver sugar tongs, value 8s. ten silver tea-spoons, value 30s. a silver tea strainer, value 3s. a silver desert spoon, value 8s. a castor, value 3s. his property.

(The case opened by Mr. Knowles.)

The witnesses examined apart at the request of Mr. Garrow, Prisoner's Council.

HANNAH CANNADY *sworn.*

I am a servant of Mr. Snows, No. 10. Saville-row.

Do you remember on Saturday, the 5th of March last, fastening any of the doors?—Yes, I fastened the door that goes out into the area.

What time of night was that?—About half an hour after eleven.

Mr. Garrow. You was not the last person up?—No, the butler was.

JOHN WADDINGTON *sworn.*

I am a servant to Mr. Snow; I remember on Saturday the 5th of March, I went to bed between twelve and one; I examined all the up-stair doors and windows, and they were fast; the next morning I was called up by the footman, William Barker, about seven; Benjamin Clarke was the man who first saw it.

When you got up at seven o'clock, what state did you find the house in?—I found a plate chest open, where the plate was, and the things taken out and gone, the chest was in the servant's hall, it was usually locked up, it was a strong chest; I am not particular whether it was locked the night before; it was empty in the morning.

What did you lose from there?—I lost the things mentioned in the indictment, *(repeating them.)* I have seen them at Sir Sampson's since.

BENJAMIN CLARKE *sworn.*

I am servant to Mr. Snow, on the Sunday morning I got up about seven, and I found the doors all open, quite into the area; when I came down into the kitchen it seemed quite light, which it was not at another time; and I found the lock of the area door was broke open, and the kitchen door was broke open; the lock was drawn quite off.

Was there any other door besides the area door before they got in?—No, only the area door.

Was there any bolt to that?—Yes, one bolt, the staples were drawn out; I saw the plate chest, and it was open, and quite in a litter.

With

With the appearance of having been rifled?—Yes.

MARY ROBINSON *sworn.*

I am ſervant to Mr. Snow; on Sunday the 6th of March, I ſaw the china cloſet, and on the Saturday before; I ſaw there were next morning ten tea ſpoons miſſing, a ſtrainer, a little ſaucepan, a milk pin, and the other things mentioned in the indictment: the china cloſet was in the kitchen, it was locked on Saturday night; it was undone, I ſuppoſe by a chiſſel; and in the cloſet I found a dark lanthorn.

Mr. Garrow. Whoſe property was the plate that was in the china cloſet?——Mr. Snow's.

JACOB AARON *ſworn.*

Where did you live on Sunday, the 6th of March?—At Mr. Barrah's in Duke-ſtreet, Duke's-place.

Did you ſee any body there on Sunday?——I did, there was one called Bill Steward, Bill Harding was the other.

Who is he?——Another man.

Do you ſee that man in Court?——He looks much like him.

What time did you ſee him?——A little after ſeven on Sunday morning, the 6th of March.

How many of them in all?——Three.

Did they come to Barrah's houſe?——They did.

Where was you?—Below in the ſhop.

What ſhop does Barrah keep?——A butcher's ſhop; when the two men that came firſt came in, they went up ſtairs, and in about ten minutes, I ſaw a woman come in with a bundle under her coats as it ſeemed, and from her manner of walking and holding her hands, I thought ſhe had a bundle under her clothes, and ſhe went up ſtairs, when ſhe was about ten minutes up ſtairs, I was called up ſtairs to my miſtreſs in her bed chamber, ſhe was not up, that is on the ſecond floor, my miſtreſs ſaid to me——

Who was there when you was called up?—My miſtreſs, and Bill Steward, and the perſon which they call Bill Harding.

Do you mean by that Bill Harding, the man that you think the priſoner is like, or any other man?—I mean by Bill Harding the man that is like this priſoner; my miſtreſs ſaid to me, Jacob, you muſt get the ſhears, this pot cannot be weighed without it is cut; I went down ſtairs into the cellar to get the ſhears, and I met our little boy, Abraham Nathan, he wanted to go up ſtairs; I told him, you cannot go up ſtairs, there is company up ſtairs; I went up ſtairs with the ſhears, and I cut a large pot, and Bill Steward held it for me, while I cut it.

Court. In how many pieces did you cut it?——I cannot recollect in how many pieces.

Did you ſee any thing elſe there beſides that pot?—Yes, I ſaw more ſilver there, ſpoons, and butter boats, and one thing or other, a great deal of ſilver, which I did not take notice of; it was laying on a table; my miſtreſs weighed the pieces of the pot in my preſence, then ſhe went to her drawers, and took out a purſe of money and counted ſome guineas on the table there, I believe ſhe paid him thirty or thirty one guineas; I know there were ſome odd ſhillings to pay, and my miſtreſs ſaid to Bill Steward, you ſhall not have the odd ſhillings; and Bill Steward made anſwer, I will not abate a halfpenny of it; then I went down into the ſhop, and in about five or ſix minutes I was called up in the kitchen, which is one pair of ſtairs; ther I found Steward, and the man that is like the priſoner, and the woman; and Bill Steward ſaid to me, Jacob get change of a guinea, and I went and got change, and he gave me half a crown, and aſked for the boy to be ſent up ſtairs, which I did.

Where was the other perſon all the while?—He was ſtanding by, I ſent up Nathan; I went out for a quarter of an hour, to do ſome buſineſs in the butchering way for a neighbour; after I came back again, I ſaw the perſon they call Bill Harding, with the woman, they went down firſt, and Bill Steward went by himſelf.

Mr.

Mr. Garrow. I ſhall not aſk him any queſtions.

Mr. Knowles. Did you ſay before the Juſtice, that you knew the man?—Yes.

Have you had any reaſon ſince to doubt of him?

Mr. Garrow. My Lord, I ſubmit whether it is uſual for the proſecutor to croſs-examine his own witneſſes, and to remind him of what he has ſaid elſewhere.

Court. It is not uſual, it is not often neceſſary, but it is not illegal, but I do not over-rule you, however you diſcredit your own witneſs by it, you are aware of that; though he has not yet been aſked I think ſufficiently to that.

Court to Aaron. You have called theſe people very familiarly by their Chriſtian names, have you ever ſeen any of them before?——I have ſeen Bill Steward very often.

Had you ever ſeen Harding before?——Never before in my life.

How came you to know their Chriſtian names?——By hearing them called ſo in converſation, when they were there.

Did you ſpeak to him or he to you while you was in the room?—No, not a word.

How ſoon after this was you called upon to ſee him?—The ſame day, the Sunday.

Where was that?—Let me recollect.

By all means!——I cannot be poſitive whether I ſaw him the ſame day, but I know on the Wedneſday I ſaw him again at Bow-ſtreet, but I cannot be poſitive for the Sunday; I am ſure I ſaw him on Wedneſday, I will not ſay any thing without I am ſure of it.

When you firſt ſaw him on the Wedneſday, did you or did you not know the man?——Then he looked like the ſame man again.

Do you know whether he is the ſame man or not?—He had a long pig tail behind, and a drab coat on, on the Sunday morning.

How was this priſoner dreſſed when you ſaw him on the Wedneſday at the Juſtice's?——In the ſame dreſs again.

Did you take notice enough of his perſon, to be able to know the man again or not?——Yes, I think I ſhould know him again.

Then you can tell us one way or the other, whether he is the man or not?—He is in another alteration of dreſs.

But I am ſpeaking when you ſaw him before the Juſtice, was the man you ſaw before the Juſtice the ſame man?—Yes, I am ſure of that.

Then if I underſtand you, your heſitation is whether this is the man you ſaw before the Juſtice, becauſe he has changed his dreſs?——Yes.

Do you know who the woman was that came with the goods?——I never ſaw her before in my life.

Did you diſcover from any converſation that paſſed amongſt them, at the time you was up ſtairs cutting the plate who ſhe was, who ſhe belonged to?—No.

You ſaid that Bill Harding and the woman went away together?—Yes.

Do you know where they went to?——No, I ſaw them croſs to a new opening.

Did you know where they lived?—No.

Did you know whether that woman was a ſingle woman?——I only knew by hearing her called by the name of Mrs. Harding.

Where did you hear her called by that name?——In the kitchen.

ABRAHAM NATHAN *ſworn.*

Mr. Knowles. Do you remember anybody being at your maſter's houſe on Sunday the 6th of March?——Yes.

Court. How old are you?——Going in eighteen.

How long have you lived with Barrah?——About three years and a half.

In what capacity did you live with him?——A ſervant.

In what buſineſs?——In the butchering way, to carry out meat; on Sunday morning I went out on an errand, I got up about half after ſix or thereabouts; when I came back I was going up ſtairs to deliver my

meſſage; I met my fellow ſervant Aaron upon the ſtairs, who told me I could not go up, there was ſome body up ſtairs, I came down and ſtaid in the ſhop, he went below in the cellar, and took a pair of ſhears with him, in a little time after my maſter came in, and went up ſtairs, and he came down with a bundle, then my fellow ſervant came down and went out, and ſent me up, I went up, and there ſat a man, Bill Steward, in a chair by the fire ſide, and a man with a woman in his lap, whom they call Bill Harding.

Have you ſeen that man ſince?—No.

Do you ſee him here now, look about the Court?—I do not know that I do, I cannot ſwear, I never ſaw the man before.

Have you ſeen him ſince that Sunday?—No, I have not, I do not know I ſhould know him again, he had a long tail and a cocked hat, and a drab great coat, and when I came up, Steward gave me half-a-crown, and ſaid here is that for you; I did not ſee theſe people go away, I ſaw nothing particular when I went up ſtairs, only Steward had ſome money in his hand, and he gave me half-a-crown.

Did you ſee any thing on the table?——No, I did not look round, I only went to them, and he gave me half-a-crown.

Do you know where your maſter put the bundle that he brought down ſtairs?——I gave him a bit of black ribbon off my leg, he opened a place in the wainſcot, which is called "a plant," it was a ſecret cupboard.

Mr. Garrow. How long have you lived with Mr. Barrah?—About three years and a half.

Did the other gentleman live there before?—Yes.

How often has Mr. Barrah been in trouble ſince you have been there?—I do not know, he was abroad then.

He was not returned from tranſportation, he is a pretty wholeſale dealer in this fence buſineſs, is not he?—I do not know.

Are not you the ſame witneſs, that upon a croſs-examination before me at Kingſton, confeſſed you had perjured yourſelf before the Magiſtrate at Bow-ſtreet?—I did certainly, I was ſorry I did, I owned it in Court.

Court. You are that witneſs that ſaid your maſter deſired you to perjure yourſelf, and you did perjure yourſelf?—I did, I did ſay things which I did not ſay in Court, before Sir Sampſon, by my maſter's orders, I opened all in Court before the gentlemen, I could not help it, I was obliged to ſay as my maſter told me.

The man that you call by the name of Steward, I believe is a very old offender?—Yes, I have ſeen him ſeveral times.

He has been tried here very often?—I do not know.

He has been charged with breaking out of Newgate?——Yes.

Had you any converſation with your maſter, or with any perſon upon fixing on *a new hand*, rather than upon Steward?—No Sir, I had not.

MOSES MORANT *ſworn.*

I am one of the officers in Bow-ſtreet, I went to Barrah's houſe, on Sunday the 6th of March laſt, between ten and eleven o'clock in the morning, and in a cloſet I found a quantity of plate, it was a little cloſet in the wainſcot; the door did not appear to open, there was a little hole, I put in my knife and tried it, and it ſlid up, and there was a concealed cloſet with this plate; ſome leather for breeches, thirty-ſix ſkins, and three bundles of linen.

Have you got the plate here?——Yes, after I went to apprehend the priſoner, and in his houſe was this crow, and two center bits.

Court. Where did you go to apprehend Harding?—At a place called Bowl Yard, St. Giles's, No. 5.

Who did you find in his houſe?——His wife, maid ſervant, and William Steward.

Who did you apprehend?——I apprehended them both, Steward was in bed faſt aſleep; it was about one when we apprehended him.

Was the priſoner in bed or up?—— He was up, ſitting by the fire with his wife.

(The tankard and ſauce boats depoſed to by Waddington.)

Waddington. I am not particular whether there is any coat of arms upon it, I know the tankard by the ſize, I know the butter boats to be my maſter's, by continually uſing them, and cleaning them, I have uſed them at different times, eleven years; I know the candleſtick, and the pan, and this little cup, I remember the mark on this little candleſtick, here is the antelope's head.

Is that your maſter's creſt?——Yes.

Court. Is there any one of the pieces that has got a mark that you know?—— I have never obſerved particularly, they were not uſed conſtantly, the candleſtick and this ſpoon particularly.

(Mrs. Robinſon depoſed to a tea ſpoon by a cruſh, it had got a ſqueeze.)

Is there any creſt upon them?—Yes.

Court to Priſoner. Now this is the time for you to make your defence, you hear you are charged by the two people from Barrahs, with being one of the perſons that brought the plate that morning, in company with Steward, and Steward was afterwards found in your houſe that ſame day.

PRISONER's DEFENCE.

I was a victualler, a publican ſome years, I have let my houſe lately; this Steward about a week or a fortnight before I was apprehended, lodged at my houſe; about one o'clock this gentleman came to my houſe; this Steward was out all the night before, and part of Sunday morning, he came and went up to bed; I know nothing of the affair, nor of the Barrahs, and they cannot ſay with a ſafe conſcience I am the perſon, but they do not care what they ſwear, the Court may plainly ſee that I never was at Barrah's in my life.

Court to Mr. Garrow. Have you any witneſſes for him?—No, my Lord.

Court to Priſoner. Now had you lived as you ought to have done, you muſt have witneſſes to your character.

Priſoner. I did not think about that, I have witneſſes plenty, that know I kept a public houſe ſome years, they talked of putting it off, on account of this Steward, the Court may ſee that I know no more of what is charged againſt me, than a child.

Court to Morant. What became of that Steward?—He was ſent to Tothill-fields, and by ſome means or other he was let out, or got out, they ſay he got over a wall by a rope.

Whereabouts in the houſe did you find the crow and the other things?——The centre bits were in a cloſet in the parlour, where I found the priſoner, the crow was in the kitchen in the chimney.

Priſoner. They were not my apartments.

Where did Steward ſleep?—In Harding's bed, where Harding's wife ſlept, the priſoner's clothes were there, and his ſhoes, and the priſoner's things were there, it was in the back parlour.

Court. Was that room the ſame parlour where the centre bit was found?—No, in the fore parlour the centre bit was found, where the priſoner and his wife were ſitting by the fire.

Mr. Bond Foreman of the Jury to Morant. Did you ever try any of theſe crows, becauſe when you wrench a door open, there may be a mark on the ſide of the crow?—No, I did not try them.

The Jury withdrew a ſhort time, and returned with a verdict

GUILTY, **Death.**

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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442. PATRICK DALEY was indicted for feloniouſly ſtealing, on the 27th of February laſt, ſeventeen bars of iron, va-

lue

lue 4l. the property of Jukes Coulſon, William Harriman, and Benjamin Bates, then being in a certain lighter, on the navigable river of Thames.

——— FRANKS *ſworn.*

I am an officer belonging to the cuſtom-houſe; as I and another officer was looking out to ſee whether we could light of any ſmuggled goods, on the 27th of February, about twelve at night, we were on the water, and we ſaw a boat coming from the ſhips lying at Union ſtairs tier, and we rowed along-ſide of her, and found it full of iron; we found ſeventeen bars of iron; then the perſon that was with me ſtepped in and ſaid it was iron; we conſulted a little while, and took the man in cuſtody, and the iron.

Who was the man?—His name is Patrick Daley, that was the priſoner, nobody elſe was in the boat with him; I delivered the iron in charge to one Mr. Hall; officer of the night.

JOSEPH HALL *ſworn.*

I received in charge ſeventeen bars of iron from Franks, and one Wood; the iron now is in my cuſtody the other ſide the water; Mr. Light ſaw it the next morning.

WILLIAM LIGHT *ſworn.*

It is the property of Coulſon and Co. there is a bar of it to be produced, part of the ſeventeen, and it is marked with white lead; it is a very particular order we had, and had a mark C. upon it, it was marked in my preſence.

Court. Have you any notion where it was taken from?—I believe it to be taken from Union ſtairs, becauſe the lighter was carried on board a ſhip off Union ſtairs, on the 27th of February, and on the next Monday morning we found the bars had been taken away; it was iron we had ſhipped off to go on board at Union ſtairs.

Where did the ſhip lay that the iron was to go on board of?——Off Union ſtairs.

And where was the lighter on the 27th in the evening?——It was on board the ſhip; I found ſeventeen bars miſſing, and I was obliged to ſend ſeventeen more, and I could not obtain a receipt to my ſatisfaction, becauſe ſeventeen bars were wanting, till I ſent the other ſeventeen bars.

Mr. Peatt, Priſoner's Counſel. When did you miſs it?—Not till Monday morning the 28th.

Was the whole of the foreign order put on board that lighter?——Yes.

Do you know the bar of iron from any other circumſtance than that letter upon it?——Yes, it appeared to be part of a parcel which had been bought by the company a little while before, and it was pitched or tarred, as it was rather ruſty.

Is not it very uſual for iron to be very ruſty, and pitched too?——It is not very common, I have ſeen it once or twice.

Why can you diſtinguiſh one parcel of iron from another by the degree of ruſt?—No, Sir, but from the marks I will.

Is not it uſual for other merchants and dealers to mark their iron and bars with devices as well as yours?——Yes.

For ought you know other iron might be marked with the ſame letter?—Yes.

Then the whole alphabet might be marked?——Yes.

You did not draw that letter yourſelf?—No, but I ſaw it done.

It is not like a hand writing, it is marked with a bruſh?——Yes.

If you ſaw a C upon another bar of iron ſimilar to that, could you diſtinguiſh that from another?——I think I could from the ſize of the letter, and the mode of making that letter.

What part of the bar is the letter upon?——Not quite in the middle.

It might be two or three inches lower or higher for ought you know to the contrary?——It might.

PRISONER's DEFENCE.

I found this iron in the boat I was in, which was the ſhip's boat.

Court to Franks. Is not it uſual for watermen to borrow each others boats, to take

to take them when they are preſſed without permiſſion?—I never did it, I cannot tell what others would do.

The priſoner called one witneſs who gave him a very good character.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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443. PETER O'BERGE was indicted for feloniouſly ſtealing, on the 6th day of March laſt, one pair of cloth breeches, value 2s. a cloth waiſtcoat, value 3s. a coat, value 10s. a pair of ſilk breeches, value 2s. a ſilk waiſtcoat, value 2s. a woollen jacket, value 1s. a linen ſhirt, value 1s. a ſilver watch, value 30s. the property of Nicholas Johnſon, in the dwelling houſe of John Anderſon.

NICHOLAS JOHNSON *ſworn.*

I live in Old Gravel-lane, at the old three Swediſh crowns; I follow the ſea; my things were under my landlord's care; I was ſick in the hoſpital.

JOHN ANDERSON *ſworn.*

The proſecutor lodged at my houſe, in Old Gravel-lane, and the priſoner lodged with me; I knew he brought no clothes into the houſe, and I ſaw him one morning carry out a great bundle; I aſked him where he was going; he ſaid to the waſher-woman's; then I ſaw him buy ſhoes and buckles, and I thought all was not right; and I went to overhaul, and I found the proſecutor's cheſt was broke open, and the things gone; the proſecutor was in the hoſpital; I took up the priſoner upon ſuſpicion, and ſent him to the watch-houſe; the officer found the things; the priſoner owned he had broke the cheſt open, and ſold ſome of the clothes, and he would ſhew him where it was; the officer found the watch tied up in his ſhirt, the buckles never were found, he did not own to them.

THOMAS COLE *ſworn.*

I am an officer, I had a charge brought to me, and the priſoner ſaid he would tell me where the things were; accordingly I went with him to different people's houſes, and according as he told me, I found the property, which are here now to be produced; I went on a good while with him, about two hours, he walked ſomething very comical, ſays I, what makes you walk ſo comical; ſays he, I have got a pain in my leg; I inſiſted on ſeeing, I went into a houſe, and there I ſearched him, and to the tail of his ſhirt I found a watch hanging between his legs, not concealed about him, but hanging as he walked along.

(The watch produced and depoſed to.)

MARY SMITH *ſworn.*

I produce a waiſtcoat and a pair of breeches; I live at No. 1. Cable-ſtreet, I bought the breeches of the priſoner, and he left the waiſtcoat with me, in order to bring a coat and breeches which belonged to it for ſale.

GEORGE DAVY *ſworn.*

I live at No. 105, Roſemary-lane, in the ſale buſineſs; I have a coat, a pair of breeches, and a waiſtcoat; I bought them of the priſoner, the latter end of February.

WILLIAM CLARKE *ſworn.*

I live in Queen-ſtreet, Tower-Hill; I have a jacket and an old ſhirt, I bought them of the priſoner the 7th of March.

(The various things depoſed to.)

PRISONER's DEFENCE.

There was a man lodged in the ſame houſe I did, he is a countryman of mine, two or three days before he went away, he told me he had ſome things, if I could do any good with them I might, and he went up ſtairs with me, and ſhewed me his cheſt, and opened it.

Court. Did not you know that the things belonged to Johnſon?—No, I never knew that.

What countryman are you?—A Swede.

Court to Anderſon. How long have you known this man?——He lodged with me ten days, he bears but a very indifferent character.

GUILTY

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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444. ELIZABETH STANLEY was indicted for feloniouſly ſtealing, on the 27th day of March laſt, three woollen blankets, value 9s. a cotton counterpane, value 5s. a linen bolſter-caſe, value 1s. three ſheets, value 6s. the property of James Ruſſell.

Mrs. RUSSELL *ſworn.*

I live in High-ſtreet, Mile-end New-town, we have part of a houſe; I miſſed the things mentioned in the indictment, on Eaſter Sunday; I went up ſtairs between eight and nine to make the bed, and found the bedſtead half up and half down, and propped up with a board, I left it turned up in the morning, I ſaw the things ſome time in the day, the ſheet had a mark of L. M. and I think an I. I know the counterpane, it is very remarkable, I never ſaw one of the pattern before, it is a foreign thing, I ſaw the property at the office, and knew it to be mine.

(The things depoſed to.)

JAMES FAKERY *ſworn.*

I have been lately a victualler, I live at No. 262, Whitechapel road ſide; on Eaſter Sunday I was ſitting by my fire ſide, I heard the voice of a perſon, aſking will you buy an old blanket of a poor woman come out of the country? and I ſaid to my wife, this has not a good look, I went out to the fore apartment, and inſtead of this blanket it proved to be theſe things; the woman that brought them was the priſoner, ſhe was offering it to the woman that lives in the fore parlour, and ſells apples; I followed the priſoner to the George in Whitechapel road; I believe the priſoner ſaw me follow her, as ſhe ſaid, ſhe would be damned if any body ſhould have any of the things, for the property was her own; and I applied to John Roberts and Forecaſt, and they took her into cuſtody.

JOHN ROBERTS *ſworn.*

I am an officer, the laſt witneſs applied to me, at the Rotation-office, to take the priſoner into cuſtody, and I took the priſoner with this bundle on her head, theſe are the things that Mrs. Ruſſel ſpeaks to, they were ſealed up.

JOHN FORECAST *ſworn.*

I am an officer, I aſſiſted to take the priſoner with the bundle.

PRISONER's DEFENCE.

I was going along up the new road going to Limehouſe, and I met two men, they had this bundle at their back, and they gave me this bundle and I went with it, I did not know it was ſtolen, I was in liquor the two men were to meet me after I had ſold the things.

GUILTY.

To be privately whipped, and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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445. JOHN THOMPSON otherwiſe WRINKLE was indicted for burglariouſly and feloniouſly breaking and entering the dwelling of John M'Farlan about the hour of ten in the night, on the 22d day of March laſt, with intention the goods and chattles of the ſaid John M'Farlan in the ſaid dwelling houſe then and there being, feloniouſly and burglariouſly to ſteal.

(The

(The witneſſes examined apart at the requeſt of the priſoner.)

JOHN M'FARLAN *ſworn.*

I am a ſilverſmith, I was ſitting in the kitchen backwards, even with my ſhop with my wife, I heard the bell of the door of my one pair of ſtairs floor tinkle, the girl came down ſtairs and went to the door, I ſays to my wife, it is nobody wants us, it is ſomebody wants the lodgers up ſtairs, then the girl came running along the paſſage, and ſays to my wife ſomebody wants you, my wife took up the candle off the table and went out of doors, I heard no talking till I heard the pane of glaſs break, that goes into the ſhop, where my ſilver work lays, the glaſs is to keep peoples hands from the ſhow board, with that I heard a rattling, and a noiſe in the paſſage, I got up out of my chair, and when I came in, and ſaw my wife laying on the ground, with her head towards the partition of the little room, and her feet towards the cellar door, no perſon could go by her, it is a very narrow paſſage, and the priſoner at the bar, as he appeared afterwards to be, was down alſo, he lay behind her, his knees in her back down upon her; I did not think of any thieves, I went to lift my wife up, and I ſaw ſomething puſh at me from under her coat, with two edges to it, and an odd ſort of a point, my wife cried out, keep out of the way my dear, keep out of the way, they will cut you to pieces! I took up an old ſpade, and I tried to ſtrike at him, for fear of ſtriking my wife, I ſtruck at his hat, and ſomething fell from his face, and I ſaw him as plain as I ſee theſe gentlemen now, and his eyes looked ſo monſtrous fierce and ſavage at me, I did not know what to make of it; ſeeing ſome more behind me all diſguiſed I turned myſelf round, and I cried out Harry! Harry! your miſtreſs is murdered and cut to pieces! that is a journeyman of mine, who was at work for me; with that Harry jumped out of the back ſhop, he had a ſilver ſoop ladle in his hand, which weighed four ounces in the bowl, and nine ounces throughout, and he ſtruck the man on the head with the ladle, hearing a noiſe in the ſtreet, I looked to the door, and ſaw it open, and I ſaw two or three men walk out, and the priſoner was left behind, he walked the length of the paſſage, and Harry kept hitting him on the head, and he went out of the houſe, and I ſaw no more of him; and they brought him back and declared he was the man, and the next morning, though they had even changed his clothes in the Compter, I declared that was the man.

Did you ſee him again that night?—Yes, we took him directly, he was not out of ſight, only whilſt turning round three doors.

Jury. Did your wife open the door to let him in?——No.

Mr. Garrow, Priſoner's Council. How long might you be in the paſſage before all the people went away?——I cannot tell.

You can tell whether you was an hour or five minutes?——I cannot ſay it was an hour, nor half an hour.

Was it five minutes?——My fright was ſo great at the time, it was out of my power, or any body elſe in the agony I lay in.

You was extremely frightened?—I was.

What light had you?——A light commonly in my kitchen, and a light in the back ſhop, there was a candle on the compter.

Where is your compter?—In my ſhop.

Then there was the partition of the ſhop, between the candle and the place where you had this ſcuffle?——No, Sir, it is in the paſſage, I told my Lord.

Does your ſtreet door open into your ſhop immediately?——No, Sir, into a paſſage, the compter joins with a paſſage.

I want you to deſcribe to the Jury, the ſituation of your ſhop and your paſſage, how are they ſeparated from each other?—The ſtreet door comes in, and the compter runs down on one ſide the ſhop, with ſhutters up to it, that joins to the parlour partition, none can come into my ſhop without lifting up the flap of the compter, or breaking through that which was broke.

It

Is there a partition between the ſhop and the paſſage?—I tell you it is a compter.

In the day time a perſon opening the ſtreet door would come to your compter without any paſſage?—Yes.

In the night time you put up ſhutters which forms a paſſage?—Yes.

The ſhop was in the condition it was in the day time?—Yes.

How ſoon after was this man taken and brought back to you?—A few minutes.

How many do you think?—I cannot tell, my flurry was ſo great.

You was very much frightened?—I leave it to any body elſe to judge.

What did you think was paſſing when you firſt came up?—I had no apprehenſion of thieves, the outer ſhutters in the ſtreet were ſhut up.

ELIZABETH M'FARLAN *ſworn.*

On the 22d of March, about ten at night we heard the bell ring, and our young woman opened the door, and came and called me out, and when I came into the paſſage, that man was about a yard in the paſſage; I was in the back kitchen, I came out with a candle in my hand, and this man ſtood in the paſſage, about a yard in; he ſtood with one hand behind him, and another before him, with a great coat on; and when I looked him full in the face, he looked at me, he never ſpoke a word to me; and I ſaw a ſecond come down one of the ſteps from the ſtreet; I looked then behind me, and I ſaw the ſecond man put his hand into his right hand pocket and pull out ſomething black, and put it all over his face.

Had this firſt man any thing over his face at that time?—I did not ſee any thing at all over his face at that time; when I ſaw that man diſguiſing himſelf I was frightened, and called out *Muffles*, thinking of the people as I have heard tell of with things over their faces; then the firſt man that is now at the bar drew a ſword from behind him, and held it up ſo, and he turned round to make a chop at me, and I turned round to avoid the blow; and he threw me down, there were two then; one behind, he threw me down on my face, and he kneeled on my back, and I ſqualled out, and I called all the people in the houſe, and then my huſband came out when a pane of glaſs was broke in the door that parts the ſhop in the paſſage; I do not know how that was, then I ſaid to my huſband, my dear, do not come near them, they will chop you all to pieces; I do not know what happened afterwards.

How many did you ſee in all?—I ſaw in all the man that was diſguiſing his face, and one or more behind him, I know there were more than one; I ſtood ſome ſpace with the candle in my hand, looking full at him, expecting he would tell his buſineſs to me, he had a black thing round his neck, his face was uncovered as it may be now.

How near was you to him?—About half the length of this boat.

Mr. Garrow. I take it for granted you was very much frighted?—I was terrified, I did not know but they might ſhoot me; I have not been right well ſince, I ſpit blood for two or three days after, with falling down on the pit of my ſtomach.

How long was all this paſſing?—Not twenty minutes; I do not know how long it was.

You had nothing but your own light you brought up with you?—No, that I put on the compter; I had no ſuſpicion till I ſaw him behind putting on his diſguiſe, then ſaid I, Lord have mercy upon me! *muffles, muffles!* he hit me on the back of my head.

Do you mean to ſwear that any body touched you at all?—He certainly muſt have drove me down.

Do not tell me what he muſt have done, in point of fact did you feel anybody touch you?—Yes I did, I felt a weight after I was down.

Have you never ſaid that you believed you fell from the fright, and you was not ſure anybody touched you?—I have ſaid that he certainly muſt have hit me on the back of the head.

Have you ever told anybody that you did not know whether you was puſhed down, or drove down?—I ſaid I was drove down.

Have

Have you not ſaid that you was not ſure that anybody touched you, that you rather thought that you fell through fainting, or through fright?—I never ſaid any ſuch thing as that, I do not recollect it.

Did you at the time feel anybody touch you?—I canno recollect that.

Then have not you told ſomebody ſo?—No, I never told anybody ſo.

Nobody ſaid a word to you?—No.

MARY SANDERS *ſworn.*

I live at Mr. M'Farlan's, I went to the door the night this thing happened, ſomebody rang at the bell, and I came down to the door with a candle in my hand, I opened the door, and the priſoner and another man were at the door; the priſoner ſpoke to me, and he ſaid, my dear, is Mr. M'Farlan at home; I ſaid, Sir I do not know, if you will pleaſe to ſtop two or three minutes I will go in and ſee; I went in and ſpoke to Mrs. M'Farlan, and when I returned up ſtairs from the kitchen door, theſe men came in and followed me along the long paſſage, and after I came out this man was come in, and he had got from the threſhold of the door about five yards, and I went to go up ſtairs, and I ſaw the handle of a cutlaſs under his cloaths, he came in as I went to open the door; as I went up ſtairs I ſaw Mrs. M'Farlan come out; ſhe came to the priſoner, he ſaid nothing; then Mrs, M'Farlan ſcreamed out; when I ſaw the handle of the cutlaſs I ran up ſtairs in the fright, I do not know which way I turned; I went into my miſtreſs's room, and ſaid, Madam, for God's ſake come in, here are two thieves, or two murderers, with that my maſter locked the door, and opened the window, and cried out murder, ſtop thief.

Mr. Garrow. Is there any other maid-ſervant about this buſineſs, but you, a witneſs?——No.

Was you ever examined when John Mowat was in cuſtody?——No, Sir, I never was examined but here, and at Guild-hall.

Court. How was your door faſtened?—Double locked.

HENRY HALL *ſworn.*

I live at the proſecutor's houſe, I was at work in the back ſhop, making a ſoop ladle, and a little after ten I heard my maſter halloo out, Harry here is thieves, your miſtreſs will be murdered; I ran with the ladle in my hand, and I ſaw my maſter in the paſſage, and I puſhed him out of the way, and I run towards the man, and hit him over the head with the ladle; the man was ſtooping over my miſtreſs, ſhe was upon the ground, I cannot tell whether ſhe was laying upon her face or not; with that he made towards the door, I hit him another blow over the head, before he got out of the door, he took to his heels and ran; I ran after him, and hallooed out ſtop thief! and ſome people coming out of a public houſe, laid hold of his collar, I ran up and laid hold of the other ſide, and he was taken to the watch-houſe; that man was the priſoner.

Was he out of your ſight ever?—No.

Did you ſee any more in the houſe beſides him?—There was, but juſt as I came into the paſſage they were running out; I ſaw nothing black about him, nor upon the ground.

JOHN STONE *ſworn.*

I was at the public houſe, in St. Martin's Lane; I heard the cry of ſtop thief! I ſaw the priſoner and Hall running up the lane, I run after him, and ſeized him by the collar.

How far was the priſoner from the proſecutor's door, when you ſeized him?——About fifty or ſixty yards.

Was there any thing particular about his perſon or dreſs?——He had a brown great coat on, I ſaw no weapon.

ROBERT WILLIS *ſworn.*

On the 22d of March, I went where the priſoner was taken, and about ſix yards from Mr. M'Farlan's door, I took up this ſword, ten minutes after the alarm.

JAMES LEE *ſworn.*

About half paſt ten, or half an hour be-

fore ten, I was coming home, and the prisoner came past me, he asked me where the silver-smith lived, the corner of St. Martin's Lane; I could not tell him, and he asked me whether I knew ever a M'Farlan, I could not tell him; I asked what number he lived at, he did not know; about half an hour after, this affair happened.

Look at the prisoner again, are you quite sure he is the man?—I am quite sure, I saw him that night after.

JOHN TATCHFIELD *sworn.*

I was a watchman in that lane, when the cry of stop thief was, and I run and assisted, and Harry Hall, and John Stone, had the prisoner by the collar, and a pistol droped near the place where he stood, here is the pistol loaded, with ball in it.

Prisoner. Why did not you produce this pistol, the night I was taken into custody?—Because it was out of our ward, he was taken to another watch-house, and I did not go there, I kept the pistol in my pocket, I mentioned it within an hour after, that night; I found the pistol in about five minutes after, just by where he was stopped.

WILLIAM M'KENSEY *sworn.*

A little after ten, I was at the further end of the ward before this happened, and I had been in about the space of a minute, and I heard a very great noise, and a great mob, and I saw a light at the one pair of stairs, and I ran as fast as I could, and they had got the prisoner in hold, I carried him to the watch house, and searched him, and found nothing upon him, but a small knife.

PRISONER's DEFENCE.

I never was in the house, I dined that day at Deptford; I was coming home over London Bridge, at ten o'clock, and I saw a parcel of people run, and I run, and they laid hold of me.

What way of life have you been in, you have been at sea I suppose?—I have been at sea some time, since I deal in the marketing way, poultry and fish, and every thing in season.

Court. What is the place of your residence?——I live in Golden Lane, I have lived in that neighbourhood about five or six months, I am an Irishman, I went to Ireland to receive some money my father left me; this woman pitched upon one of Sir Sampson's men at first; as for this Harry Hall, he has been guilty of several foot-pad robberies, and has been once tried for it.

GUILTY Death.

Prisoner. My Lord, I am but a young man, and have a young family, I hope my Lord you will recommend me to mercy.

Court. Prisoner, you stand convicted of this offence, and properly; you appear to be connected with a most dangerous gang, think of your own situation, and think of the duty you owe to God and man, to discover the rest of your confederates; withdraw now and think of what I have said to you.

(*N. B.* This prisoner was afterwards ordered for execution by himself, on Tuesday the 26th of April.)

Tried by the second London Jury before Mr. Baron EYRE.

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446. JOSEPH KEY, HENRY WOOD, and JAMES ROMAIN were indicted for feloniously assaulting Humphry Stokes, on the navigable river of Thames, being the King's highway, on the 19th day of March last, and putting him in corporal fear and danger of his life, and feloniously taking from his person, and against his will, one metal watch, value 4l. one chain, value 10s. one linen handkerchief, value 3s. six china cups, value 3s. six saucers, value 3s. and one wooden box, value 1s. his property.

The witnesses examined apart at the desire of the prisoners.

HUMPHRY

HUMPHRY STOKES *ſworn.*

I am a lieutenant in the Navy, I was robbed on Saturday, the 19th of laſt month, about ſeven, off Wapping New Stairs; I dropped down in my veſſel to that place, to the veſſel where my brother was commander; I left the brig at ſeven, I called a ſculler to go on ſhore, it ſeemed a common ſculler, the man put me alongſide of a wherry, where there appeared to be five or ſix men, they demanded my money, which I peremptorily refuſed, they ſpoke to me from their own boat; on my refuſing, a piſtol was put to my breaſt, and diſcharged, the ball went by my coat and waiſtcoat, and juſt grazed my neck, they called out fire again, upon which I ſaid, I believe you have done my buſineſs my friends; then my ſculler handed a little box, and a handkerchief, with ſome things I had tied up in it, and at the ſame time took my watch from my fob, and went into their boat; they left me I ſuppoſe expecting I ſhould drop every moment.

What became of them?——They were laying on their oars a little while; on my calling out I was robbed and murdered, there was an alarm on the water, they pulled towards Wapping New Stairs, I know nothing more of them; I was picked up alone, in a boat, by a waterman who found it was his own boat, which had been ſtolen from the ſtairs; I know nothing of the three priſoners, as to the face or voice; one of them, Keys, appeared like the man that was in the ſculler, in his dreſs, and his make, and his jacket, and handkerchief, the other two men I have nothing to ſay againſt.

MATTHEW BECKET *ſworn.*

I am a waterman, I ply at King Edward Stairs, Wapping; about ſeven, on the 19th of March, I went to ſhut up Mr. Dixon's ſhop, and when I came down the ſtairs, I found my boat was ſtolen away, I borrowed a boat, and ſet off for my boat, and having got about two ſhips length from the ſhore, I heard the cry of murder, and I ſaw a boat, and another boat alongſide, with about five hands, and moſt part ſtanding off; I directly rowed towards where the gentleman called out murder, and perceived the other boat rowed to northward, as faſt as poſſible away from him; when this boat left that gentleman, I rowed up alongſide, and ſhe proved to be my boat, I jumped into the boat, and called out ſtop thieves, they have ſhot the man, look to northward; I took and rowed the gentleman on ſhore as faſt as I could: with my calling out and making ſuch an alarm, they anſwered me, we have got them on Wapping New Stairs; there were many boats coming along, I loſt ſight of them, and when I came on ſhore I found one man, that was Keys, in cuſtody, the other was taken away before I got the gentleman on ſhore, out of my boat; that boat that left the gentleman, rowed away to Wapping New Stairs, it was rather more to northward than to ſouthward.

What ſort of a night was it?—It was a moon light night.

How far could you follow them with your eye?——About half way over the river; I loſt ſight of their boat a good while before they got on ſhore, there were other boats in purſuit of them, I cannot ſay that I ſaw theſe five men, when I got on ſhore.

GEORGE DUFF *ſworn.*

I belong to Wapping New Stairs, I was ſtanding upon the ſtairs, and I heard an uproar on the river, and could not tell what was the matter, and we pulled the boat's head round, and then we heard the alarm of people calling out ſtop thief! they have killed a man; I heard a piece go off; I ſays to the boy pull back again, here they come; I ſaw a boat with four or five people, I cannot ſay rightly to one; I ſaw three ſtanding up, and two pulling, they were pulling right in for the ſtairs I was at; when I firſt ſaw them it was within twenty yards of the ſhore where I was, the boys pulled round; I ſaw the boats pulling after them as faſt as they could, there were a good many boats about at the ſame time; they were a ſtanding up, and the boys pulled round as I bid them; they came in athwart the head of the boats below, I was above at the ſtern of the boat; with

with that I ſays to the boys pull away, and they did; there was a lug boat, that they could not get to the boat they were in, without getting over that boat; I hallooed to the people in that boat, ſtop them! ſtop them! the boy pulled me cloſe againſt the lug boat, right into the lug behind, they puſhed by them, and ruſhed before them, and the people in the lug boat tried to ſtop them; they left their own boat and got into the lug boat, and run over and got on ſhore, I ſeized Harry Wood as I ſtepped in the lug boat, on one ſide, he ſtepped out of the lug boat; I took him by the collar with my left hand, and he put his hand into his pocket, and he took out his knife, I ſaid, ſays I, what are you going to ſtick your knife in me? no ſays he.

Are you ſure Wood was one of them, that was in the boat?——Yes Sir, he was one of them that was ſtanding up, I ſaw him in the boat, and ſaw him come out, I was cloſe athwart the boat, I knew him before; I cannot ſay any thing about the others.

Priſoner Wood. Did not you ſay, that you would make a new boat out of me?—Never, never; ſays I, I knew you was one of the lead merchants, that was what I ſaid.

WILLIAM SMITH *ſworn.*

I am a waterman, when the out-cry was upon the river, I had been doing ſome buſineſs at Gun Dock; my brother was in the boat, rowing me down to Stone Stairs; I heard a noiſe on the river, and I ſaid there is ſome piece of work upon the river, as ſoon as ever the words were out of my mouth, I heard a piſtol go off, and I heard murder cried; I ſaid to Coleman who ſtood alongſide of me, row over towards Execution Dock, and another boat rowed paſt me, about a quarter of a minute after, with five or ſix people in it, and it pointed towards Wapping New Stairs; I was going to the place where I heard the piſtol fired, and this boat was coming from that place; this boat met me and paſſed me; I was about two hundred yards from the ſhore, I did not ſee the flaſh.

Did the ſound come from that way?—Yes, there were about five or ſix people in the boat.

Was ſhe pulling hard?—Yes, there were two boats beſides her, ſhe pulled pretty faſt by me.

Were they ſitting down or ſtanding up?—There were three ſtanding up and two rowing.

Was there any other boat near them?—Yes.

How near to them?—About thirty feet following them; I aſked them in the boat whereabouts they were, accordingly they ſaid they were juſt aſtern, and the man that was in purſuit of this boat, he ſays there they go, and we pulled our boat round, and went after this boat, and purſued them.

Court. Then upon the people ſaying, there they go, you pulled round and went after this boat that you had ſpoken to?—Yes, I went to jump into the boat, and whether any body knocked me down, or whether I fell, I do not know; there was a lug-boat laying at Mr. Curtis's back door, where the people jumped out of this wherry, this boat ſtopped on the long-ſide of the lug-boat, whether it was the ſame people that jumped out of the lug-boat on ſhore, I cannot ſay, but I ſaw the people that were in the wherry that paſſed me, jump into the lug-boat, I purſued them, and we took Wood.

Was Wood one of them or no?—I cannot tell, they were all higgledy piggledy.

Do you know any thing of the other two?—To ſpeak upon my oath, I think they were not in the boat.

What makes you think ſo?—Becauſe the other man that rowed was a tall thin young fellow, I ſhould know them if I was to ſee them again, I have ſeen Romain before on the river, I cannot ſay I recollect the face of Key, I did not know Key before.

Did you take notice of the people to be able to ſay that Romain was not there?—Yes, he was taken up upon ſuſpicion, I went there, and ſaid, he was not one.

CHARLES COLEMAN *ſworn.*

On the 19th of March, between ſeven and

and eight, another young fellow was rowing Smith and me, ſitting down at the ſculls, we heard the report of the piſtol going off, he bid me take hold of the ſcull, and we heard murder cried out.

Which way did the cry come from?—From towards Ratcliffe Church.

Was that to the ſouthward of you?——Rather to the ſouthward.

How did Wapping New Stairs bear then?——We were almoſt oppoſite to the ſtairs, they were right northward, rowing by the craft; we ſaw a boat with five people in it, they called murder! ſtop thief! as well as we did; the men rowing ſaid there are the people; we immediately turned round, purſued them, and rowed after them, and Smith went to jump into the boat, and whether he was knocked over board, or fell over board, I cannot tell, but he hung to their boat, I got him in; and the other Smith his brother, the boat was almoſt near the ſhore, he ran after and catched hold of one of the men.

Did you ſee the men get out of the boat?—I ſaw three or four get out of the boat, but I ſaw one in particular.

Where did they get out?—At Wapping New Stairs, and they ran towards the water ſide; they got out immediately into a lug boat; ſome went to the right, and ſome went right up from the ſtairs; the boat was left with nobody in it: I ſaw one of them apprehended, and ſtopped at the ſtairs head, that was Wood, I cannot ſay what became of the reſt.

Priſoner Wood. My Lord, Coleman and Smith ſent to us yeſterday, to know if they ſhould go to our friends and get ſome money; this Coleman was taken up for the robbery.

Court. Who was the man that came to you.

Priſoner. His name was Mich. Conklan.

Smith. My Lord, the man he mentions was taken up for the ſame robbery, and diſcharged, I never ſent any perſon, it is a report of his own.

JAMES SMITH *ſworn.*

Between ſeven and eight, on the 19th of March, we heard an alarm of murder, ſtop them! ſtop them! I took one of the other ſculls, and rowed in this boat.

Whereabouts was you when you met the boat firſt?—About one hundred yards from Wapping New Stairs, or not ſo far.

Which way was the boat going to?——She was pulling in for Wapping New Stairs.

How many were there in her?——Five were in the boat, and two were rowing the boat; the boat came from the middle of the river.

Did you ſpeak to her?—Yes, we aſked them whereabouts they were; and they ſaid yes, there they are aſtern, upon which we turned round immediately, and rowed after them, and ſecured Harry Wood.

Are you ſure Harry Wood was in that boat?—Yes, I ſaw him ſtep out of that boat, by getting hold of him, I could ſwear to him, and nobody elſe.

How long have you known him?—I never knew him before, he was taken cloſe to me; I can be ſure he was in the boat, the reſt, ſome ran one way, and ſome the other; they are all ſtrangers to me.

Are you a waterman?—Yes.

Are not ſome of theſe people watermen?—I do not think they are.

Was not you acquainted with Romain before that time?——No, I was not.

JAMES DUFF *ſworn.*

On Saturday, the 19 h of March, between the hours of ſeven and eight, I heard an alarm on the water, in Wapping, I went to ſee what was the matter, and I ſaw ſome boats rowing to Wapping New-ſtairs; I ſaw one of the priſoners at the bar run paſt me, that was Keys; they cried ſtop thief to him, I purſued him as faſt as I could; I was at the corner of the ſtairs, at Mr. Curtis's brewhouſe, that is fifty yards or more from the ſtairs, he was going as faſt as he could, I dare ſay; and Mr. Curtis's clerk was purſuing him at the ſame time; the priſoner was the firſt man, and there were other people purſuing after him, crying, ſtop thief; we ſtopped him; I aſked

him what he ran away for; he ſaid he had done nothing, he knew nothing of it; ſays he, I ran after the thief; ſays I, there was nobody before you; he ſaid, he knew nothing of it, and he would not tell where he lived; and I gave him in charge to the conſtable.

——— ADAMS *ſworn.*

On the 19th of March I was at Mr. Curtis's compting-houſe, I am his clerk, I heard a cry of murder and thieves; I thought it was only a parcel of drunken waterman; I was within two roods of the ſtairs, our brewhouſe joins the ſtairs, and I ſaw a boat with five men come on ſhore, and ſaw the priſoner coming up the alley adjoining to the brewhouſe, from the head of the alley to the water-ſide, I imagine to be between five and ſix rods.

How many yards was it?——I do not know, ſeventeen feet and a half are in a rod.

Has a perſon at the bottom of the ſtairs any way up into Wapping, but coming through that alley?——No, unleſs he came through our brewhouſe; I ſaw him come out of the alley into the ſtreet, and paſs me, I told him to ſtop, he did not ſtop, but ran paſt me; it is about as far through the compting-houſe to the ſtreet, as up the alley.

Had anybody run paſt you before him?——Nobody, they took down a place called the orchard, I followed, and caught him the corner of New Market-ſtreet; I ſaw Keys come up the alley as ſoon as I could get out of our compting-houſe, and out of the brewhouſe gates, and the priſoner was then coming out of the alley.

PRISONER KEY's DEFENCE.

I was going to Billingſgate, I belong to the Favourite, Greenland man, at Graveſend; as I was coming paſt Wapping New-ſtairs, I heard a great cry of thieves! I went down and a man came running paſt me with ſomething in his hand, I ſtood off one ſide, when he had got about thirty or forty yards a head of me, I made after him, and loſt ſight of him in New Gravel-lane, and them two gentlemen took me; I told them I was running after the thief, immediately they took me before the proſecutor and aſked him if I was one of the thieves, I was coming back when they ſtopped me; I was drinking about a quarter of an hour before, with an acquaintance, his name is Richard Hughes, he is not here.

Court. How came you not to ſtop, when Mr. Adams bid you ſtop at the bottom of the alley?——Nobody bid me ſtop at all.

SAMUEL NOBLE *ſworn.*

I am a waterman to Mr. Curtis's brewhouſe, I was getting ſome empty caſks out of my boat, which was under the key, at Mr. Curtis's brewhouſe, that is cloſe to the ſtairs, and I ſaw five people come and ruſh into the boat, and I was ſhoved down, but by who I cannot tell, mine was the leg-boat, the people were all cloſe together, they ruſhed into my boat out of a wherry, I heard the cry of ſtop thief! and in about five minutes after, I ſaw the wherry, ſhe was within three boats length of the boat I was in; I could not ſee any thing of the boat, ſhe came from under the craf, the coal craft hid her, they ruſhed into my boat, and from thence they jumped overboard upon the ſtairs; I ſaw one or two get up ſtairs, but there was ſuch a crowd and mob, I cannot tell who they were.

Do you or do you not know any of thoſe men?——There is a young fellow that I know, Romain, but he was not there at the time.

Did you or did you not know any one of the men that ruſhed in upon you?—I cannot ſay I do, I followed one of the men that went up the ſtairs, part of the way to the watch-houſe.

What became of him?——He was in cuſtody then, and going to be carried to the watch-houſe.

Which of the men was that?—I cannot ſwear what man it was, I could not cleverly look at him, I picked up an oil-ſkin hat of his, and put it on his head.

And do not you know whether either of theſe men is that man?——I cannot ſay indeed.

Court.

Court to Keys. Is there any body here to ſatisfy the Jury, that you was not on the river that night?——Only that young fellow, I have very few friends in London, I belong to Ireland.

PRISONER WOOD's DEFENCE.

I had been that night on board the Fortitude, Captain King, which ſhip I belong to; I was coming up to get ſome clean things, I heard the cry of ſtop thief, I jumped over the boat to ſee what was the matter, directly Duff came and caught hold of me, ſays he, you have ſhot a man, and I will make a new boat of you; I do not know whoſe boat it was, I paid two pence for my paſſage, my boat came from King-ſtairs, almoſt facing Wapping new ſtairs on the other ſide of the water.

What became of the waterman?—I do not know.

You all came in together to the ſtairs?—Yes, and I jumped out to ſee what was the matter when they took me; I came out of Exeter, I belong to a ſhip in the river, the Fortitude, Captain King, I have no acquaintance at all in London.

Where was you that evening?—I came from on board of the ſhip that evening at Deptford, the ſhip has ſince ſailed on her voyage.

Court to Jury. There is no evidence againſt Romain.

HENRY WOOD, GUILTY Death.

JOSEPH KEY, JAMES ROMAIN, } NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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447. JOHN WATKINS was indicted for feloniouſly ſtealing, on the 19th day of March laſt, one plate looking glaſs, value 5s. the property of Richard Upton.

Richard Upton was called on his recognizance, but not appearing, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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448. JOHN TRAYNER was indicted for feloniouſly ſtealing, on the 16th day of March laſt, one check linen ſhirt, value 4s. the property of Philip Raby.

PHILIP RABY *ſworn.*

I am a ſlop-ſeller, on the 16th of March laſt, the priſoner and a woman came in to buy ſomething; I did not obſerve them at the firſt; there were ſome looſe jackets laying on the counter, and the priſoner ſaid to me, what is the price of them great coats, I ſaid, they are jackets; I ſhewed him the jackets, and he agreed to give me nine ſhillings for one, and the woman ſaid, he wanted ſome trowſers and ſhirts, I ſhewed them ſome different ſorts of ſhirts, and they laid out three, one of each ſort, and agreed for the price; the priſoner ſaid, he had no money, but would fetch it; I went after him in about a minute, and found him and kept at a diſtance, and when he came to the top of the ſtreet, he pulled out this ſhirt from under his great coat; it was not in paper, the ſame woman was with him, but ſhe run away.

(Produced and depoſed to.)

PRISONER's DEFENCE.

I bought the ſhirt of a woman, and gave her four ſhillings for it, and a pot of beer.

GUILTY.

To be confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

449. JAMES

449. JAMES BRYAN CULLIEN was indicted for feloniously ſtealing, on the 12th day of March laſt, one pair of thick-ſet breeches, value 1s. 6d. two cloth coats, value 18s. one fuſtian waiſtcoat, value 2s. 6d. one pair of leather boots, value 6s. one pair of leather breeches, value 10s. 6d. one pair of cotton ſtockings, value 2s. one linen ſhirt, value 1s. one pair of leather ſhoes, value 5s. one pair of worſted ſtockings, value 3s. and three muſlin neckcloths, value 3s. the property of John Crandell; two cotton caps, value 2s. one woollen cloth, value 1s. one ſilk and cotton waiſtcoat, value 12s. three cotton waiſtcoats, value 19s. three pair of worſted ſtockings, value 7s. three pair of worſted ſtockings, value 6s. one pair of breeches, value 17s. one linen ſhirt, value 6s. two handkerchiefs, value 1s. one pair of ſilver knee buckles, value 5s. one pair of leather ſhoes, value 5s. and one ſilk handkerchief, value 2s. the property of John Shingler.

And ELEANOR WELCH was indicted for feloniouſly receiving, on the 14th of March laſt, part of the ſaid goods, knowing them to have been ſtolen.

(The witneſſes examined apart.)

JOHN CRANDELL *ſworn.*

I am coachman to Mr. Milbank, on the 12th of March laſt, the priſoner called on me in the forenoon, as an acquaintance, I had ſeen him ſeveral times in Northamptonſhire, he ſaid he was going to a ſervice at Woolwich on Monday; this was on Saturday about four in the afternoon, I left him in the ſtable; afterwards I was coming out with my fellow ſervant Shingler, and I went to the back door of the ſtable, which communicates with the houſe, and I found it faſtened, it faſtens on the inſide: I thought my fellow ſervant had faſtened it, I went to the other door, and found that was alſo faſt, I ſtill thought it was my fellow ſervant: I found the ſtreet door open, and when I went in, I miſſed the things mentioned in the indictment.

PETER THOMAS *ſworn.*

I am one of the patrols belonging to Sir Sampſon Wright, ſome of theſe were given me, and I found great part of the things; I had the things from King-ſtreet, Wapping, from one Mrs. Barry, who is in Court: the priſoner was taken on Sunday night, the 13th of March.

Crandell. The priſoner had a pair of ſhoes of mine on.

(Depoſed to.)

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

E R R A T A.

In No. IV. Part I. page 541, lines 4, and 5, leave out the words "*which was* "*parted from the ſkull underneath.*"—Line 15, for "*maladies of membranes,*" read "*me-*"*ninges or membranes.*"—Line 40, for "*os bregnitis,*" read "*os bregmatis.*"—In page 542, lines 23, and following, leave out the words "*I believe that is the caſe of all wounds* "*by the removal of the ſcalp, where it is in a ſtate of putrefaction, the blood may come* "*down from that aperture.*"—Line 28, for "*not externally,*" read "*externally,*" and omit "*not.*"—Line 4, ſecond column, for "*but,*" read "*when.*"

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of James Bryan Cullien.

JOHN SHINGLER *ſworn.*

The priſoner gave me this note, it is his hand writing, I knew him before, I left him in the ſtable that night, he ſaid, he wanted to ſpeak to Crandell, he would ſtay till he came.

(The note read.)

"Call at William Barry's, next door to "the ſign of the White Swan, King-ſtreet, "Wapping; there you will find the flan-"nel cloth, a pair of boots, and a pair of "ſhoes."

Crandell. The priſoner was taken to the watch-houſe, and there he wrote down an account of where the things were. *(Read.)* "Aſk Mrs. Barry for Lilly Welch, and "deſire her to come to me directly; aſk "for thoſe things in the name of James "Brown."—we all three called at Barry's and found a great coat, and boots, and a thickſet pair of breeches; they were in two different bundles.

Priſoner. This gentleman ſaid, I was the perſon that locked the door of the ſtable inſide?——I cannot tell, I can tell the door was faſtened, and the outer door was not, at the ſame time you confeſſed yourſelf, Sir, that you was doing the buſineſs.

Priſoner. Did Mr. Milbank give you warning, or you give him warning?—Mr. Milbank gave the warning.

When you met me, did I offer to go away?——I took better care of you than that, for your ingratitude.

Priſoner. I gave him the note, he told me to get ſuch and ſuch things waſhed, he was going to Greenland along with me, and I took them to my wife, this priſoner is my wife.

Proſecutor. I never propoſed any ſuch thing, I have not left my ſervice yet, and my wife lives in High-ſtreet, Marybone; it is not likely.

HENRY TURNER *ſworn.*

I am a pawnbroker, I received a white waiſtcoat, a ſhirt, two neckcloths, and three pair of ſtockings, I received them of one Catherine Kelly.

(Depoſed to.)

CATHERINE KELLY *ſworn.*

I had thoſe things from the woman priſoner, ſhe lodged with me, I took her to be a very honeſt woman; ſhe told me ſhe was married, I uſed to call her Mrs. Briant,

but I pawned the things with Mr. Turner, in the name of Eleanor Welch.

Court. Was that the man you always took to be her husband?——Yes.

MARGARET BARRY *sworn.*

I know the prisoners, the man lay one night at my house, the woman was not with him; I never saw her till the Sunday night after, the prisoner had a bundle that night, he said, he was too late, he asked me for a bed, and he got up in the morning, he got up and went on board a Greenland ship, the William and Ann.

Prisoner Cullien. I have nothing further to say, I have lived with Captain Frederick and Lady Harris at the King's Palace.

JACOB BRIANT CULLIEN, GUILTY.

Transported to Africa for seven years.

ELEANOR WELCH, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice NARES.

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450. ELIZABETH BARRY was indicted for feloniously stealing, on the 13th day of March last, one linen shirt, value 7s. one apron, value 12d. the property of John Moriarte.

The prosecutor and witnesses were called on their recognizances, and not appearing, the prisoner was

ACQUITTED.

Tried by the first Middlesex Jury before Mr. RECORDER.

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451. SAMUEL TOOME was indicted for feloniously stealing, on the 6th day of March last, forty-two pounds weight of lead, value 5s. belonging to Christopher Lance, and then and there affixed to a certain building, there situate against the statute.

The prisoner was taken some distance from the house at an unseasonable time, and the lead was very near him:—he had a good character.

GUILTY.

Whipped.

Tried by the first Middlesex Jury before Mr. RECORDER.

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452. FRANCIS COOK and ABRAHAM SLATER were indicted for feloniously stealing, on the 23d day of March last, two live fowls, value 2s. and one leather saddle, value 1s. the property of William Murrell.

WILLIAM MURRELL *sworn.*

I keep the Castle, at Kentish town, I missed my fowls out of my stable; about five in the morning I was called up, and I overtook the prisoners with the things on them: Slater had the saddle, Cook had a bag with a cock and a hen, which belonged to me, they were speckled fowls, I had them from chickens, they were a year old, I can swear to them; the saddle was mine, I imagine they got over the gates.

WILLIAM CHALKLEY *sworn.*

I was going to milking, and I saw two men go towards this stable, and I saw another come with a sack on his back as I thought, the other came from towards the stables, I gave information to the prosecutor, seeing the door open; I do not know that the prisoners were the two men.

PRISONER COOK's DEFENCE.

I went out early this morning with my brother, who was going to Liverpool, and I parted with him at the one mile-stone, and this man overtook him with the things mentioned in the indictment, and he asked me to carry the bag, I did not think any harm in it, and in a hundred yards they stopped me.

PRI-

PRISONER SLATER's DEFENCE.

About a quarter of a mile from the place I found the bag and the ſaddle, and I overtook this young man, and aſked him to carry the bag for me, I have no friends within three hundred miles, I came out of Lancaſhire.

Proſecutor. Upon Slater, I found a tinder box and ſteel, and a knife.

BOTH GUILTY.

Each to be tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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453. GEORGE CHANDLER was indicted for feloniouſly ſtealing, on the 11th of March laſt, one pound and two ounces weight of green tea, value 4s. the property of the United Company of Merchants, trading to the Eaſt Indies.

JOHN GRIFFITHS *ſworn.*

I am a Cuſtom-houſe-officer, at Parker's garden and warehouſes, belonging to the Eaſt India Houſe, on the 11th of March, I took a parcel of Hyſon tea, one pound and two ounces, out of the pocket of the priſoner, it was looſe; he is a Company's labourer.

JAMES BISHOP *ſworn.*

I am one of the Company's labourers, I was in the warehouſes, and I ſaw the priſoner take the tea out of the cheſt, and put it in his pocket, there were four or five people on the ſame floor: we were going up to work, we had not begun, I gave notice firſt to Mr. Butcher, and then to Mr. Griffiths, I ſaw the tea taken out of his pocket, it belongs to the Company, it was unſold tea.

Mr. Peatt, Priſoner's Council. How many people were in the warehouſe at this time?—Four, five, or ſix.

Did they ſtand near the priſoner?—Not very near, they were on the ſame floor.

How near?—As far again as I may be from you.

WILLIAM FELTSTREAD *ſworn.*

I ſaw the priſoner take the tea out of the cheſt, and put it into his pocket.

PRISONER's DEFENCE.

I gathered the tea about the place, I did not take it out of the cheſt.

Court. You as a labourer about there, knew very well you had no right to take any tea that was there.

The priſoner called four witneſſes, who gave him a very good character.

GUILTY.

Upon the recommendation of the Jury, to be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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454. SAMUEL LYON and ANN JONES were indicted for feloniouſly ſtealing, on the 22d day of March laſt, one gold ring, value 2s. 6d. the property of James Gaunt.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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455. MARGARET COLLINS was indicted for feloniouſly ſtealing, on the 14th day of February, one woollen blanket, value, 2s. one tin ſaucepan, value 4d. one bolſter, value 18d. one looking-glaſs, value 5s. twenty pounds weight of bed feathers, value 5s. the property of Mary Lewis, ſpinſter, being in a certain lodging room, let to the ſaid Margaret, by the ſaid Mary, and

and to be uſed by her with the ſaid lodging room, againſt the ſtatute.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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456. DAVID BATTY was indicted for that he, on the 1ſt day of December laſt, feloniouſly and falſly did make, forge, and counterfeit, and cauſe and procure to be falſly made, forged, and counterfeited, and did willingly act and aſſiſt in the falſe making, forging, and counterfeiting, a certain paper writing, partly printed and partly written, purporting to be an Inland Bill of Exchange, for the payment of money, bearing date, Norwich, November 3d, 1784; and to have been drawn by Charles Davis for payment of the ſum of ſix pounds ſix ſhillings to Charles Readhead, or order, at two month after date, directed to Mr. J. Dicknor, and Co. No. 21, Duke-ſtreet, Mancheſter-ſquare, London; accepted J. D. and Co. with intent to defraud John Dutton.

A ſecond count, for uttering the ſame knowing it to be forged.

The Proſecutor and witneſſes not appearing the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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457. GEORGE GILLING was indicted for feloniouſly ſtealing, on the 19th of March laſt, one ſilver ſnuffer ſtand, value 3s. the property of Joſeph Fakeney, Eſq.

JOSEPH FAKENEY, Eſq; *ſworn.*

On Saturday the 19th of March, I loſt a ſilver ſnuffer ſtand, but how it was conveyed out of the houſe, I only know by hearſay; I believe it will be neceſſary for me to mention the manner in which the priſoner was apprehended; I ſhould not have taken ſo much notice of this trifling matter, but on the Wedneſday following, I loſt a conſiderable quantity of plate in the ſame manner, and I did not know, but it might be the ſame man in a different garb: I ſaw the priſoner on the Monday following, one John Lee, a conſtable, ſaw the priſoner before the Juſtice upon another charge, and ſent for me; the priſoner at firſt denied it, but afterwards he ſaid, it did not ſignify, I did take it; and immediately after that I had it conveyed to a perſon whom I do not know whether I ſhould name, it is a common receiver, and ſays he, I received fifteen and ſixpence for it; there were no promiſes or threats made to him in the leaſt.

MARY COOK *ſworn.*

I am cook to Mr. Fakeney, I know the priſoner, I am ſure of him, I ſaw him in my maſter's paſſage the 19th of January, he came there with a fooliſh excuſe, and ſaid my maſter had ordered in ſome coals, it was ſeven in the evening; he rang at the bell, I opened the door, he ſaid, he came from Mr. Steel, I told him Mr. Wilks ſerved us with coals; he ſaid, Mr. Wilks and Mr. Steel were partners; I ſaid, I could ſay nothing at all to it, as my maſter was not at home; he ſaid, he was going a little further and would call again preſently, he returned in ten minutes, I told him my maſter was not come in, he then ſaid, it was a very cold night, and he was very dry, would I give him a little ſmall beer, which I went to draw; when I came up, he was gone, and the ſtreet door left open; the parlour door was open, as it was when he came.

JOHN LEE *ſworn.*

I took a deſcription of the priſoner, and I took him, and as ſoon as Mary Cook ſaw him, ſhe declared he was the very perſon.

JOHN EDWARDS *ſworn.*

I was at the Caſtle, in Cow-croſs, on Saturday night, eating ſome ſupper with my father; and the priſoner came and called

me out, he ſaid, Jack, I have got a piece of plate here, he ſhewed it me, it was a ſilver ſnuffer ſtand, he aſked me to ſell it; I aſked him where he got it, he ſaid at firſt he found it; I took and ſold it to one Votier, who is not in cuſtody.

PRISONER's DEFENCE.

I did take it, and I went down to Cowcroſs, and this man ſaid, he would ſell it for me, and he went and ſold it in Sharp's-alley, to one Iſaac Votier, and he came again, and ſaid, ſtop a little.

Court. Did any body ſet you on doing this before hand?—No, pleaſe your Lordſhip, I did it for want; I never did ſuch a thing before, I have been out of work a long while, I work in the coal work.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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458. JOSEPH INGRAM was indicted for feloniouſly ſtealing, on the 23d day of March laſt, one iron bar, value 5s. belonging to Richard Ruſſell and Edward Slater, and then and there fixed to a certain building, called a glaſs-houſe, there ſituate.

The watchman ſtopped the priſoner with the bar, which was hot.

GUILTY.

Privately whipped.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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459. HENRY JAMES was indicted for feloniouſly ſtealing, on the 5th of April, one hundred and one pounds weight of mutton, value 39s. the property of Thomas Cator.

The priſoner was taken offering the carcaſe to ſale to Nathaniel Cooper.

GUILTY.

To be whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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460. DANIEL HUGGINS was indicted for feloniouſly ſtealing on the 29th day of March, one wooden till, value 6d. and five ſhillings and ſix pence in money numbered, the property of John Daviſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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461. The ſaid DANIEL HUGGINS was again indicted for feloniouſly ſtealing on the 29th day of March laſt, one cat-block, made of wood and iron, value 20s. the property of William Gaſton.

JANE HUNT *ſworn.*

I was in the compting-houſe of Mr. Gaſton, on the 29th of March, in the afternoon, while the men were gone to dinner; and whilſt I was there, ſomebody called out, that a man had ſtole one of the blocks that hung at the door; I ran and ſaw the priſoner taken with the block on his ſhoulder; it was my maſter's, it hung at the door, and there was a block miſſing from the door; I went in danger of my life, and the priſoner was very rude; I ſtopped him, and ſhut him up in the compting-houſe, and kept him there till Francis came.

——— FRANCIS *ſworn.*

I aſſiſted in taking the priſoner.

Priſoner.

Prisoner. I was asked to carry a load.

GUILTY.

Whipped and confined twelve months in the House of Correction.

Tried by the second Middlesex Jury before Mr. Baron EYRE.

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462. GEORGE WILKINSON was indicted for feloniously assaulting John Clark, on the King's highway, on the 9th of March last, and putting him in corporal fear and danger of his life, and feloniously taking from his person, and against his will, four linen shirts, value 20s. and one linen stock, value 1s. a pair of worsted stockings, value 3s. and six linen handkerchiefs, value 6s. the property of James Grant.

(The witnesses examined apart at the request of the prisoner.)

JOHN CLARK.

Court. How old are you?——Ten.

What is your name?——John Clark.

Do you know what you came here for?——I do not know.

Who has done you any harm?—George Wilkinson.

Where do you live?—In Swallow-street, St. James's, Piccadilly.

What friends have you?—An uncle and aunt.

No father or mother?——No.

Have you been to school?——No.

Have you been learned to read?——I have learned to read at home.

To whom?—To my uncle and aunt.

Can you say your catechism?——No.

Jury. Do you say your prayers of a night?——Yes.

Court. Will you be sure to speak the truth?—Yes.

Remember that you are to speak the truth, and nothing but the truth?—Yes.

Court. Swear him.

JOHN CLARK *sworn.*

Court. What is your uncle?——A hair-dresser and peruke-maker.

Had you any thing taken from you?—Yes.

When was it?—The 9th of March.

What part of the day?——Between six and seven.

In the morning or evening?——In the evening.

What day of the week was that?——A Wednesday.

Where was you going?——Into Swallow-street.

From where?—From Catherine-street.

Was you going home?——Yes.

Whereabouts was you attacked?—Just in Bridge's-street.

What had you with you?—A bundle of clothes.

Where had you brought them from?—From Mr. English's.

Where did he live?—The bottom of Catherine-street.

Had you been sent for the clothes?——Yes.

Who sent you?——My aunt.

What orders had you from your aunt?—I was told to go and fetch them, and take care of the things.

What things?—The things to wash.

For who?——For the gentleman.

What gentleman?——The gentleman that lost the things, that lives at Mr. English's, his name is Grant.

How came you to be sent for them?——Because my aunt wanted to wash the next day.

Was you by yourself?——Yes.

What happened to you in Bridge's-street?—A man threw down a penny, and snatched the bundle.

Did he meet you, or come behind you?——He met me.

Which side of the way was you going?——The left hand.

Did he speak to you first?——No.

Did he speak to you when he threw down the penny?——No.

Where

Where did he throw the penny?—Juſt facing of what-do-ye-call-it court.

In the foot-way, or in the road?——In the path-way.

How was you carrying the bundle when he ſnatched it?—I was carrying it in my hand.

Which hand?—In my left hand.

Did you pick up the penny?—Yes.

What became of the man?—I purſued him.

But you ſtaid to pick up the penny firſt?——Yes.

Which way did the man go?——Acroſs the way.

Which way did he go then?—He ran into Ruſſel-court.

Did you overtake him, or did you loſe him?—I overtook him.

Where did you overtake him?——In the court.

In Ruſſel-court?——Yes.

Where was your bundle when you overtook him?——I do not know.

Had he your bundle?—No, Sir, he had not it then.

When you overtook him, what did you do then?—Why he was taken, Sir.

Did you cry out?—Yes, Sir.

What did you ſay?—I cried out, ſtop thief!

What became of the bundle, can you tell?——No, Sir.

Did you ever get your bundle again?—No, Sir; we heard it was ſold for ſeven ſhillings and ſix-pence.

By whom?——By another man.

Did you ſee more than one man?—Yes, there were three men.

Did they all three come up at once to you?—Yes.

Did either of them talk to you?—No.

Did they bid you take the penny?——No.

How came you then to ſtoop to take it up?——I took it.

Did you give them your bundle, or did they take it?——They took it.

Do you mean againſt your will?——Yes.

What was in the bundle?—Four ſhirts, one ſtock, a pair of ſtockings, and ſix handkerchiefs.

Did you ſee the bundle tied up?—Yes.

Who do the things belong to?—To Mr. Grant.

Had you ever ſeen Mr. Grant before?—Yes.

Who was the man that was ſtopped that you purſued?—George Wilkinſon.

Do you know him?—Yes, that is the man.

Do you know that he was one of the three men that ſtopped you?—Yes, he was one of them, he threw down the penny.

You are quite ſure he was one of the men?——Yes.

Who was it ſnatched the bundle?—That man.

How came you to know which way he was gone?—Becauſe I kept ſight of him.

What when you was ſtooping down to pick up the penny?—Yes, I kept ſight of him.

You was going from Ruſſel-court?——Yes.

You was in your way home?——Yes.

Which way was you turned when you ſtooped to pick up the penny?—Towards Ruſſel-court.

Then you could ſee him at the ſame time you picked up the penny?—Yes.

Was he never out of your ſight?—No.

Was not he out of your ſight when he got into the court?——No.

In what ſtreet is Ruſſel-court?——In Bridge's-ſtreet.

How far from the court was it that the penny was thrown down?——Juſt facing the court.

JAMES GRANT *ſworn.*

I remember this child coming to Mr. Engliſh's for ſome linen; I delivered to him the things mentioned in the indictment; I knew nothing of the fact till I was ſent for the next morning up to Bow-ſtreet; I never ſaw my property any more.

WIL-

WILLIAM MARTIN *ſworn.*

On Wedneſday, the 9th of March, I was ſtanding in Drury-lane, talking with an acquaintance, oppoſite White Hart-yard, between ſix and ſeven, and *that gentleman* came out running.

Who do you mean by *that gentleman?*—The priſoner; he came out of Ruſſel-court, and they cried out, ſtop thief; and the boy he came crying, and ſaid, that man has got my bundle; I ſuppoſe there were twenty or thirty people after him; the boy was about twenty or thirty yards behind him; I followed him down White Hart-yard, and caught hold of him in Clare-court.

What pace did he go?——He ran as hard as he could run; we took him to Mr. Young's, a tobacconiſt, and brought the boy to him, the boy had a penny in his hand; ſays the boy, take your penny, and give me my bundle; the priſoner ſaid, he had not his bundle; ſays he, you have given it to one of the two men that was with you; no, ſays the boy, you took it from me. The priſoner ſaid, at Sir Sampſon Wright's, that the boy ſaid he was going to fetch a penny-worth of butter for his mother; and the boy ſaid, he did not ſay any ſuch thing, for, he ſaid, his mother lived at No. 20, in Swallow-ſtreet.

Court. His mother?——He called her his mother at that time, but it is his aunt.

Priſoner. The boy was quite in a different ſtory before, at Sir Sampſon Wright's, they have had him this month, and been training him up; I am as innocent of it as a child unborn; I know nothing of it.

Court. Have you anybody to ſpeak for you?——I had a perſon juſt now in the Bail-dock, and I have ſent him for my maſter.

What trade are you?—A coach-wheel-wright; I work in Swallow-ſtreet, where the boy ſays he lives.

Then you have nobody here?——Not a ſoul, to my knowledge.

How came you to be running?—I was not running; that is not the gentleman that ſtopped me.

GUILTY

Of ſtealing, but not violently.

Tranſported for ſeven Years to Africa.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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463. SARAH WHITEHEAD, HANNAH TAYLOR, and MARGARET GARDENER were indicted for feloniouſly ſtealing, on the 24th of March laſt, two pieces of printed cotton, containing thirteen yards, value 20s. the property of John Fieldſend, privily in his ſhop.

WILLIAM WOOD *ſworn.*

I am ſhopman to the proſecutor, he is a linen-draper, No. 25, Oxford-ſtreet; I remember the three priſoners very well, I have frequently ſee them come to our ſhop, ſometimes two came together, and ſomerimes three; they came to deal, and did deal, on the 24th of March they came into our ſhop, and wanted to buy a little printed cotton for a bedgown; I ſhewed them two pieces, and they did not approve of them; I then ſhewed them four pieces more, and we ſoon bargained for three yards; that is a pattern for a bedgown; they paid for that, and went away; I looked over my patterns, and as ſoon as they were gone I miſſed two pieces of prints, I told my fellow ſhopman to go after them, and they were brought back, and one of them dropped one piece, and the other dropped another piece; I ſaw Gardener drop one piece, and Whitehead another.

Court. Are you ſure the other woman was with them?——I am ſure of it, ſhe bought the bedgown; the other two ſaid they came along with her; they did not aſk to buy anything; theſe were the firſt two pieces I ſhewed them, here is my

maſter's mark on one of them, in my maſter's own hand writing.

(Depoſed to.)

What is the value of thoſe two pieces? ——Twenty ſhillings both; one 9s. 6d. and the other 10s. 6d.

WILLIAM GOLDSMITH *ſworn.*

I was going down Oxford-ſtreet, and juſt as I came to the proſecutor's I ſaw theſe three women coming out of the ſhop; I did not know them before, but I am poſitive theſe are the women; I followed them, and at the corner of Rathbone-place I ſaw Margaret Gardener drop a piece of cotton, that was one door from the ſhop, it dropped from under her petticoats, and I ſaw the priſoner Sarah Whitehead picked it up; ſhe put it under her apron, and walked off till ſhe came to the next turning, then ſhe ſet a running as faſt as ſhe could run; the other two followed her very ſlowly till they came to the turning, then they mended their pace after her; I told the proſecutor, and he ſaid they had robbed him of a piece of cotton; the young man had overtaken them while I went into the ſhop; I did not ſee the young man at all, till he was coming back; I ſaw them brought back, and Margaret Gardener who dropped the piece before, dropped another piece; and I ſaid, you have dropped another piece from under your clothes; and ſhe ſaid, what I? I ſaid, yes, you have; the piece was taken up, it laid under the compter; I did not ſay any thing to her about dropping a piece before.

Priſoner. He ſaid before the Juſtice, he ſaw the other woman drop it, and pick it up.——I did not.

THOMAS KING *ſworn.*

I was going of an errand to Well-ſtreet, and ſtanding oppoſite to Rathbone-place, I ſaw Whitehead drop a piece of linen or cotton, and ſhe took it up herſelf; I informed Mr. Wood of it; the young man went after them directly, I did not ſee him overtake them; I was in the ſhop, I ſaw them come back, we met the young man and the three priſoners coming back, I am ſure thoſe are the three; ſhe dropped it in the croſſing Rathbone-place.

Court to Goldſmith. When did you ſee her drop it?—At the ſame time, but there were two pieces dropped ſeparate.

PRISONER TAYLOR's DEFENCE.

I was out ſelling apples and things, and I ſaw this young woman; I told her I was going to buy a bit of cotton for a bedgown, I knew the priſoners before, as we all deal at market; they both went in with me, and I bought this for a bedgown; after I paid him we all three came out of the ſhop together; I ſaw no cotton, nor any thing; walking together in Hanover-yard, a gentleman came after me, and I went back with him readily.

SARAH WHITEHEAD's DEFENCE.

I had nothing about me, I went with this young woman to buy the cotton, and lent her three ſhillings to pay for it; I went back, knowing myſelf innocent.

MARGARET GARDENER's DEFENCE.

We met Taylor, and went with her, and each bought ſome, and ſhe dropped her piece of cotton out of her hand, and this young woman picked it up, and gave it to her; I never ſaw any other cotton; the piece of cotton the gentleman ſays I had, he ſaid before the Juſtice he picked it up between two women in black cloaks in his ſhop.

S. WHITEHEAD, M. GARDENER, } GUILTY, Death.

H. TAYLOR, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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464. THOMAS SIMMS was indicted for feloniouſly ſtealing on the 26th day of March laſt, two yards of painted floor-cloth,

cloth, value 9s. the property of John Barnes.

The witneſſes examined apart at the requeſt of the priſoner.

JOHN BARNES *ſworn.*

I live the corner of Bow-ſtreet, Bloomſbury; I only ſpeak to the property; I loſt two yards of floor-cloth; Edward Wallis brought it in.

EDWARD WALLIS *ſworn.*

I am ſervant to Mr. Barnes; a perſon came into the ſhop and ſaid, there is a piece of cloth of yours ſtolen; I immediately made after the priſoner, and took him the corner of Bloomſbury, with the property upon him, he had it under his arm; I told him, that is my maſter's; he ſaid it is not; I ſaid, it is, I immediately took him to the Juſtice's.

Who has had the care of it?—It was two days in the public-houſe, in the cellar, I wrote my name at the top of it when I took it from him; it is written in ink on the cloth, it has been in my cuſtody all but thoſe two days; I ſaw it in the ſhop ſome days before; I ſaw it the day it was loſt.

Mr. Silveſter, Priſoner's Counſel. Mr. Wallis, that cloth you marked, is the cloth you took from the priſoner?—Yes.

But before that, was there any mark upon it?——All the mark was, that there was a piece cut out of it, no particular mark beſides.

It is a remnant, is it not?—Yes.

You had a remnant in your ſhop?——Yes.

Do not you ſell floor-cloths for any room?——Yes.

Then they are cut to any ſhape that is wanted?——Yes.

Was there any ſhop mark, or any writing upon that cloth that you loſt out of your ſhop?——There is the King's ſtamp.

Then you know it by the King's ſtamp?——Yes.

Did you ever ſee any floor-cloth without the King's ſtamp?——No.

ALICE NEWTON *ſworn.*

I know this to be my maſter's cloth, by this bit being cut out of it; I ſaw it about an hour before it was miſſed; I do not know any thing about cutting out the piece, but I obſerved it was cut out before it was loſt.

Do you ever ſerve in the ſhop?——Yes, ſometimes.

You particularly obſerved that piece had been cut out ſo?——It was cut out for the paſſage where it was laid down.

Mr. Silveſter. You went to the gentleman's houſe where it was cut off?——No, Sir.

How do you know it was cut off for the paſſage?—The man ſaid ſo.

Where is the man that laid down the floor-cloth?—He is not here, he is a carpenter, he worked for my maſter, and he cut it off; I do not know his name.

Do you know every piece of cloth in your maſter's ſhop?——Yes, I do.

How many pieces are there?——I cannot ſay, there are a great many pieces.

Do you know how any other of them are cut?—They are generally cut ſtraight.

Court to Wallis. Who cut that piece off?——A man that worked for me, a carpenter, I ſaw the piece when he brought it back, he took the piece out with him, and the piece was cut ſo, I painted it.

How much of this kind had you painted before?—Many thouſand yards.

And how many thouſand yards of this kind are there about town, of your painting?—I cannot ſay.

Court. Are you certain you painted that?——Yes.

Court to Wallis. Do you remember that piece going out of your ſhop to be fitted any where?——No.

PRISONER's DEFENCE.

I was going up Broker's-alley, to Drury-lane, there was a broker who ſtood at the door, and a man was ſelling a piece of floor-cloth, it meaſured two yards and almoſt a quarter; the broker offered the man

man ſix ſhillings for it; I ſtood by when the man was coming away, I offered ſeven ſhillings; he ſaid, you ſhall have it; I gave him two half crown pieces, and two ſhillings; he ſaid his name was John Harris, and was to be found at the Feathers, in Holborn; I took it under my arm, and the witneſs ſtopped me; the proſecutor ſaid at the Juſtice's, he did not know how many yards there were; they none of them knew the contents of the piece; then I was brought out of the Juſtice's again, and Mr. Barnes inſiſted upon taking it from the conſtable, into his poſſeſſion; then he took it home, and kept it two days and two nights, and brought it back to the Juſtice's; then he ſwore to it; then the Juſtice aſked the girl, and the man, whether I was running or walking; they ſaid, walking, very gentle.

Mr. Barnes. When I was before the Juſtice, I knew it to be my property and work, but I could not tell what was left of it.

Court to Wallis. Where was this kept?

Proſecutor. I took it from the conſtable, who had no buſineſs with it; and I gave it to Wallis.

Did he ſay then how he came by it?—Not to me he did not.

Did you hear him ſay it to anybody?—I heard him ſay it before the Juſtice, that he bought it.

Did he ſay of whom?—No, I did not hear in particular who he ſaid he bought it of.

Proſecutor. I was not there before Monday.

Did he ſay what he had given for it?—I think he ſaid three ſhillings and ſix-pence for it.

For the whole of it?—Yes.

Are you ſure of that?—Yes.

How near was it to the proſecutor's where you took him?——About a hundred yards.

Mr. Silveſter. What ſtreet was it in?—In Hart-ſtreet.

Priſoner. It is above a quarter of a mile from the place.

Court to Priſoner. Then you know the proſecutor's ſhop, do you?——I have ſeen the ſhop before, I have been paſt it a hundred times.

Court to Proſecutor. How far was it from your ſhop?——Between one hundred and two hundred yards.

Court to Wallis. How came you to go in purſuit of him?—I was told of it by a young woman, that came into the houſe; I followed in about five minutes, I ſaw it about a day or two before.

Priſoner. Here was a man here that ſaw me buy the cloth, his name is George Trotter.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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465. WILLIAM ANDERSON and THOMAS SAMS (a child between eleven and twelve) were indicted for feloniouſly ſtealing, on the 2d of March laſt, eighty-four pounds weight of lead, value 10s. the property of Thomas Humſton, then and there affixed to a certain building belonging to the ſaid Thomas, againſt the ſtatute.

THOMAS HUMSTON *ſworn.*

I live in Tufton-ſtreet, Weſtminſter, the building where the lead was taken from, is in Baker-ſtreet, Enfield town; it is a houſe of mine: I went down to Enfield on Wedneſday the 2d of March, being informed that two boys were taken up, on ſuſpicion of ſtealing ſome lead at Edmonton, by Mr. Brown and Mr. Erwood; on the Thurſday morning I went there, the perſon had quitted the houſe, and left the priſoner Anderſon in care of it, my tenant had failed; I went on the outſide, for I could

could not get into it, but I was informed the boys were both to be examined at Mr. Wilmot's; on the Saturday following I went there, and the father and mother both were there, and the father had got the key of the house from the big boy, who had been left in possession of it; on the Sunday following I went down with Mr. Brown, and we went up in the house, we got out of the garret window, there are seven dormer windows, with flat caps of lead going to the south parapet wall; I missed a great deal of lead, that was all gone, likewise some more lead at the end of the gutter; one of the dormer windows was totally stripped, we measured that window, and tried the measure by the lead, and it corresponded exactly, it fitted the nail holes, and every thing.

JOHN BROWN *sworn.*

I live at Edmonton, I am a plumber and glazier, and I happened to be the constable; the prisoner Sams came to my house, to know if I would buy some lead, that was the 2d of March, he said a gentleman had failed in the house, and his mother had wanted for him, and the gentleman had given them lead out of a cooler, he said the plumber at Endfield would not give them money enough, and his father was at the Rose and Crown, I told him to bring it, and he brought it the same morning; I informed Mr. Erwood, the Churchwarden; I opened the lead, and saw what it was, and in going out of the house, along with the prisoner Sams, he pointed to the other prisoner, says he, that is my brother, he was waiting at the corner of the street for Sams, the lead was three quarters weight, he brought it to me wrapped up in a garden matt; Anderson directly as soon as he saw Mr. Erwood and me coming, ran up the street, he was stopped; I examined it afterwards, and it is the lead that came off that dormer window, which the prosecutor mentioned; I have the particular marks of the dots of the solder, which I can mention, the nails in taking it off, are drawn out, here are the nails that answer to the solder.

JOHN ERWOOD *sworn.*

On the 2d of March last, Mr. Brown the plumber came to my house, and informed me as he has told you; I went with him to his shop, and there I saw the prisoner Sams, I asked him where he got that lead, he said it was his father's, and his father got it out of a cooler, I saw it was never in a cooler, says I, you rogue you have stole it, he made no answer, he said his father was at the ale-house; we went to take the father, coming out I saw a man begin to run away, says the young one there is my father, that is he that is running, when I took him, he said he was no father to him, says he, it is my brother, however since I find they are no kin at all: I brought them to my house, and the prisoner Anderson confessed he had stole this lead, and told me where he had taken it from, I promised him no favour, I told him I was sure he had stole it, he said he took it from the back front of the house, he did not say whether it was a door or window; I know nothing of the two boys, the livery at Endfield.

How old is the oldest?——I do not know.

PRISONER ANDERSON'S DEFENCE.

The gentleman that I lived with had a misfortune, he failed in his business, he had his goods sold, and he made over the lease of his house, which had five years to come, to one Mr. Thorley; I went to Waltham Stow, and when I returned, several people told me not to go in, for they had seen a man about the premises; I saw the lead lay there, I brought the lead and laid it in the garden, and two or three days after I took it to sell.

PRISONER SAM's DEFENCE.

This gentleman came up from out of the country, the day the trial was coming on; one morning as I was going by, he called

me to go into the houſe with him, and we found the lead in the houſe; we ſaw three foot ſteps of a man in the garden, then we took it to Mr. Brown to ſell.

WILLIAM ANDERSON, GUILTY.

Whipped, and confined twelve months in the Houſe of Correction.

THOMAS SAMS, GUILTY.

Whipped.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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466. JOSEPH BOWLAS was indicted for feloniouſly ſtealing, on the 28th of February, one cloth great coat, value 10s. the goods of the Right Honourable Welbore Ellis, privily in his ſtable.

EDWARD WELLER *ſworn.*

I am coachman to the Honourable Welbore Ellis; between the 28th of February, and the 1ſt of March, a great coat belonging to him was loſt out of my ſtable; I came in about half paſt eight, on the 28th of February, and hung up my great coat, and I miſſed it the next day; in the courſe of three or four days, I was ſent for to the Juſtice's, there I found it; it was very much broke, and wore under the arm, I can ſwear to the coat; I never ſaw the priſoner till I ſaw him at the Juſtice's.

Was your ſtable door locked or opened? —It is always open when we clean the carriage, but locked when we are not there, I received it from Blacketer.

WILLIAM BLACKETER *ſworn.*

I ſaw the priſoner ſtanding with two more, with the great coat under his arm, that was the 28th of February, beteen eight and nine in the evening, after the office was over, he was ſtanding in the paſſage, joining to the watering houſe in St. Giles's, I went up to look who it was, I was not certain whether it was the priſoner, and as ſoon as he ſaw me come up to him, he run away, and he flung the box coat at the back of the water tub, and I purſued him, and I fell down, it was very ſlippy, he got up, I told him, ſays I, I know you perfectly well, and if I do not take you now, I ſhall take you at another time; he was taken about a week or a fortnight after by Dixon and Mumford, I am quite ſure of the man, I took the coat.

Mr. Peatt Priſoner's Council. How long have you known the priſoner?——This twelve month.

How came you there?——I go by frequently.

By whoſe deſire was you there?——By my own deſire, going along about my buſineſs.

Do you know where the priſoner lives? ——I know he works there, but I do not know where he lives.

Is not his maſter's houſe near there?—— Yes.

Are you connected at all with the gentlemen at the Public Office, in Litchfield-ſtreet?—I know them all, I met him promiſcuouſly.

Do you know Mr. Meſſenger?—Yes.

What is the priſoner?—I always looked upon him to be a waterman.

Is it uſual for ſuch men to take care of great coats?—I believe it is.

What converſation paſſed between you and Meſſenger, concerning this man?—— None at all.

He did not deſire you to fix this man with this property?——Never.

PRISONER's DEFENCE.

Two men came by on the Monday night, and called me out of the public houſe, and aſked me to buy a great coat, yes, ſays I if it is worth my money, I gave him half-a-crown directly, and he pulled it off his back; Blacketer ſaid you have been on this rigg a good while, and Mr. Meſſenger ſhall do for you, if it coſt him thirty pounds; I have witneſſes that Mrs. Meſſenger ſent for

for me, and ſaid I will learn you to falſe ſwear againſt my huſband; theſe two men came innocently to me, and called me out, and in a minute or two after Blacketer was behind.

(The priſoner's witneſſes ordered to be examined apart.)

THOMAS HART *ſworn.*

I am a coachman.

Mr. Peatt. Where do you live?——At preſent at St. Giles's, with Mr. Monk; I have been waterman there lately.

Do you know Meſſenger?—Yes.

A gentleman of Litchfield Office?——Yes Sir, I believe he is

Uſually called a runner?—Yes.

Court. Were you preſent when the priſoner was taken up by Blacketer?—No.

THOMAS LEWIS *ſworn.*

I am a coach joiner, I live in St. Giles's, at the Roſe and Crown, I work for Mr. M'Dougal, I know ſo far as this, I was in the public houſe, drinking a pint of beer, two men came in and called the priſoner out, that was on the 28th of March, about eight at night.

Court. What day of the week was it?—I cannot ſay.

How do you know it was on the 28th of March?—I took notice of it when he was taken up.

How long was this night before the priſoner was taken up?——I do not know, I remember hearing he was taken up.

How do you know what day of the month it was?—I heard ſay it was the 28th of March.

Who had you heard ſay ſo?—I remember the word being ſpoke.

When?—A week ago.

Who ſpoke it?—I heard it ſpoke in the room, nobody told me to ſpeak about it, I heard it in his maſter's room, where the priſoner worked.

Who were preſent when the 28th of March was talked of?——Several people were preſent.

Name ſome of them?——They are not here now.

Who were they?——They were ſtrange people to me.

What was they ſaying about the 28th of March?—They were talking about Bowlas, about his being taken up, I do not know any otherways, only by that.

Then it might be a twelvemonth ago for anything you know?—Yes.

Be careful of what you ſay, if you ſwear falſe, I ſhall order you to be committed?—I was at the Roſe and Crown, in Broad Saint Giles's, and a man opened the tap room door, and called Bowlas out, he was ſitting by the fire in a chair, drinking, he was a waterman; we had done work, he had not been out five minutes before he came in again by himſelf, he brought nothing in with him, I did not go out with him at all, I ſaw nothing afterwards.

—— MONK *ſworn.*

I keep the watering houſe, I have known the priſoner ſeven or eight months, I am his maſter, he always behaved very well ſince he worked for me, he was very ſober and diligent.

Court. What character does he bear as to honeſty?——I cannot ſay I ever found him guilty of any miſdemeanor in my life, he might have robbed me, he has carried forty and fifty pounds of mine at a time.

JOHN BURGESS *ſworn.*

I have known him theſe twelve months, never heaid any thing but an honeſt character, he has watered my horſes, and taken care of my coach, I never heard any harm of him in my life.

CHARLES DRURY *ſworn.*

I am a coach maſter, have known him a twelvemonth, never knew any thing but an honeſt character of him.

Priſoner. At the time the men brought the coat to me for ſale, my maſter was preſent, and Mr. Blacketer declared the ſame before the Juſtice.

Blacketer

Blacketer. I ſaw the priſoner ſtanding with two men, but I heard no converſation.

GUILTY 10d.

Whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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467. GEORGE PIDGEON was indicted for feloniouſly ſtealing, on the 18th day of March laſt, one mare of a brown colour, price 4l. the property of John Carter.

JOHN CARTER *ſworn.*

I live in Park-ſtreet, Groveſnor-ſquare, I am a cow-keeper; I loſt my mare out of my cow-yard, near where Tyburn uſed to be; I miſſed her between three and four in the morning.

Was ſhe ſuffered to run looſe in the yard?——No, ſhe was in the ſtable.

Was the ſtable locked?——Yes, they took off the pantiles as I believe, and forced open the door when they were within ſide; I loſt a bridle, ſaddle, and whip, I ſaw her about ſix on the 18th, ſhe was a brown mare, ſeven years old, I have had her four years; I found her on the Saturday, in the hands of a watchman at Whitechapel turnpike, I firſt ſaw her at Mr. Glenton's, the Three Mackrell, at Mile-End.

—— GLENTON *ſworn.*

How came you by that mare?—Between five and ſix or a little after ſix, William Thornlow, one of our watchmen, brought the mare down to my houſe; I ordered him to detain the party, and put the mare into my ſtables; I am night conſtable.

WILLIAM THORNLOW *ſworn.*

I am watchman, on Saturday morning the 19th of March, I ſaw the priſoner ſtanding at the turnpike gate, at Mile End, Old-town, putting on a bit of a thong upon a whip, it was a little before five, I went and called the hour of five, the ſame time; the priſoner rode off, he had a horſe with him, then he came back again for ſome tools which he left: he ſaid, he was going to ſweep a chimney, and while I went my rounds, he was gone off with the mare; I ſtopped the tools, and about ten minutes after ſix, he came back on the mare, and ſaid, he wanted his tools; he came to Mile End watch-houſe for his tools.

What tools?—A ſack, a chimney-cloth, and ſhovel, I had ſtopped them at the turnpike houſe, he had left them there, and he came to enquire for me, to know what was become of them, he wanted to go and do the job he was going about [illegible] took him in cuſtody, he was upon the mare's back, and I took him to the watch-houſe, whip, bridle, ſaddle and all; I diſmounted him and took him to Mr. Glentons.

JOHN M'GUIRE *ſworn.*

I am another watchman, I was with the laſt witneſs when he took the mare and the man, he told me he brought the mare from Wyſbeach, in Cambridgeſhire, and that he bought her two years ago of one Smith, a ſaddler in the town, and paid nine guineas for her; I know Cambridge, and I know there is ſuch a man as Smith, a ſaddler; that is the mare that was carried down to Mr. Glenton's.

PRISONER's DEFENCE.

The mare was brought to me in the morning, I was walking up the ſtreet, and a man met me, and ſaid, take this to Whitechapel, and ſtay till I come, and I will give you a ſhilling.

Court. How came you then to tell this man, that you had bought her at Wiſbeach two years ago, for nine guineas?—*No anſwer.*

Have you any body to ſpeak for you?—No, Sir, I have no friends.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

467, WILLIAM CHESHIRE, SOLOMON LEACH and ANN STEVENSON otherwiſe LEACH were indicted for that they, on the 28th day of March laſt, one piece of falſe, feigned, and counterfeit copper money, to the likeneſs and ſimilitude of the good legal copper money of this realm, called a farthing, did make, coin and counterfeit, againſt the ſtatute.

THOMAS CARPMEAL *ſworn.*

Between twelve and one, I went in conſequence of an information, to Craven-hill, near Bayſwater, I got in at the back parlour, with Bowyer and Tring; I ſaw a place dug up, it was two feet deep, there were two preſſes in it, we went into the fore parlour, and there we found the two priſoners, ſitting at a table, and eating bread and cheeſe, I ſearched Cheſhire, and in his pocket I found this piece of cecil; I then went back to the hole where the two preſſes were fixed, and there by the large preſs were two dies fixed, and two farthings within the dies; they had received the impreſſion.

Court. Did you examine the farthings with the dies?—No, I did not; round the preſs were a great quantity of farthings, and in the cutting preſs was a great quantity of cecil in blanks, here are ſome of the blanks: in the place was a hat hung up, which the priſoner Cheſhire owned; the priſoners were very dirtily dreſſed, and their hands were very dirty.

Mr. Brown, Priſoner's Council. Was not this a kind of double houſe?—It is all under one roof.

Are they not two diſtinct habitations?—They communicate with each other, by a door which opens into the garden.

——— BOWYER *ſworn.*

I went into this houſe, I remained with the two priſoners, while the reſt went into the other houſe; I was preſent when Cheſhire owned the hat, which was in the place where the preſs was, he put it on his head: I was told a woman had been at the houſe, I went to a public houſe, and there found her, ſhe had theſe farthings upon her.

——— TRING *ſworn.*

I ſearched the priſoner Leach, and in his breeches pocket, I found theſe two halfpence and farthings.

(Produced.)

JOHN CLARKE *ſworn.*

I went to this houſe, there were two preſſes fixed, one with blanks and cecil, the other with a pair of dies; one was to cut the blanks, the other to give the impreſſion; theſe farthings were taken out of Leach's pocket, that is all I know about that part of the houſe.

Court. Is there any body that can tell that theſe preſſes had been for a certain time worked.

Carpmeal. There is no doubt, from the appearance of what lay round the preſſes, there was a candle hung under the man's hat, and there were droppings of candle greaſe under the hat; they had the appearance of juſt coming from dirty work.

——— DAVIS *ſworn.*

This houſe at Bayſwater belonged to me, I was preſent there when the officers came, there are two houſes which are ſeparate one from the other; the ſmall apartment conſiſting of ſix rooms; I let them to one tenant: on the 3d of February, I went into the houſe and not ſeeing any body there I went into the back apartment of the two rooms where the hole was dug, and I ſaw theſe preſſes then ſtanding: the day the officers came, I heard thumping and noiſe, about half paſt eleven, then they left off: Cheſhire had been there ever ſince before Chriſtmas; Leach and the woman I never ſaw till the Saturday before they were taken.

Mr. Franklyn, one of the moniers of the mint, proved the farthings to be counterfeits.

Court to Cheſhire. How came your hat in that hole?——I lent my hat to a man that was in the place, he ſaid, he would bring it again in two minutes; I am a ſmith.

THOMAS FLETCHER *ſworn.*

I live oppoſite the Old Bailey, I am a ſmith, the priſoner Cheſhire worked with me two or three times, for two or three months at a time, he is a handy fellow, I truſted him.

Court. How has your buſineſs been in general theſe laſt three months?——Very dead; I had ſeven or eight men at a time, I have ſcarcely enough for two now.

Mr. Silveſter. Did you know Cheſhire about Chriſtmas?—I was in Worceſterſhire then.

Have you heard where he was in December?——I have not, I do not know.

The priſoner Cheſhire called two witneſſes to his character; one of whom ſaid, he heard he was in trouble, on a ſuſpicion of making half-pence.

PRISONER LEACH'S DEFENCE.

My Lord, the priſoner employed me to make him ſome ſaddle nails for coach harneſſes, laſt Saturday ſe'nnight, and he gave me a ſhilling in ſilver, and ſome farthings and halfpence, the farthings they took from me, were not all alike; the woman priſoner is mywife.

WILLIAM CHESHIRE, SOLOMON LEACH, } GUILTY.

Each ſo be fined 1s. *and impriſoned twelve months, in Newgate.*

ANN LEACH, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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468 JOHN ETHERTON was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Lanceman, about the hour of nine in the night, in the 23d day of March laſt, and burglariouſly ſtealing therein, one feather bed, value 3s. his property.

RICHARD LANCEMAN *ſworn.*

I live in Roſemary-lane, the window of my houſe was open the 23d of March, between eight and nine in the evening; I was ſitting by the fire, I heard a noiſe in the chamber, I went to the back door, and ſaw a man in the ſtreet, with his face towards the window, I ſaw my window open which was faſtened before; I left a friend to watch and went up ſtairs, and he cried out, here he is! I found my drawers open and the bed and bed clothes in the front garret, rolled up in the middle of the floor; I came down, and the priſoner was in hold by my friend, I took him in doors and ſearched him, I found nothing on him: there was great appearance of his having got in at the window; he did not ſlip into the houſe, the ſtreet door was never open: there is a back door that goes into Saltpetre-bank, I cannot ſay, whether that was open or ſhut in the day time.

CHRISTOPHER TUCKER *ſworn.*

I ſtood to watch the window, and I ſaw the priſoner put out his leg, to come out of the window, he dropped, and I ſecured him.

Priſoner. I never was in the houſe, I was coming by; I never was a thief.

GUILTY

Of ſtealing, but not of the burglary.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr Baron EYRE.

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469. JOHN BANDEBUS and JOHN COX were indicted for feloniouſly ſtealing, on the 7th day of April, one gown, value 6s. the property of John Bartlett.

BOTH GUILTY.

Privately whipped.

470. JOHN

470. JOHN ASQUITH otherwiſe GILLET was indicted for feloniouſly ſtealing, on the 20th day of March laſt, one cuſhion made of woollen cloth and canvas ſtuffed with feathers, value 9s. the property of John Hughes and Stephen Brunſdon.

JOHN HUGHES *ſworn.*

I live in Groſvenor Mews, my partner's name is Stephen Brunſdon, the chair belongs to us both. on the 20th of March, between ſeven and nine in the evening, we loſt a cuſhion belonging to our chair, it was taken out of the chair; I ſaw it a little after ſeven, it was afterwards found by Mr. Ryland, it is here now.

(Produced and depoſed to.)

—— RYLAND *ſworn.*

On the 20th of March, between eight and nine, I took this cuſhion from the priſoner, in Fleet-lane, he had it under his arm, I took him into cuſtody, he ſaid, he bought it, and gave two ſhillings for it; I did not aſk him of whom.

Priſoner. Did not I tell you it was a pillow?——He did.

Priſoner. I thought it was a pillow.

Court to Proſecutor. How near is that to where your chair was?——Near two miles.

SAMUEL ROBERTS *ſworn.*

I have had it in my cuſtody ever ſince, I am a conſtable, it was delivered to me at the watch-houſe, and there the priſoner ſaid, he gave two ſhillings for it; when I came to turn it down, I ſaw written upon it, Sir Henry Bridgman, then I ſuſpected it had been ſtolen from ſome chair.

PRISONER's DEFENCE.

I had been up to Piccadilly in the evening about eight, to a ſon I have apprentice there; I met one Joſeph Harriſon, who is a waiter at Vauxhall, where I wait for the Summer ſeaſon; I have been out of buſineſs ſince the beginning of December, I have a family of ſix children, and I told him I was in diſtreſs, and obliged to make away with the neceſſaries I had, and I begged him to give me any relief, if he was in buſineſs; he had that cuſhion, as it now appears to be, under his arm, we came together as far as Temple-bar, then he ſaid, he was going to call of an acquaintance, a waiter ſomewhere near Butcher-row, and deſired me to wait for him at a public houſe in Fleet-lane, and if he ſucceeded, he would lend me a ſhilling or two, when the man ſtopped me, I was ſtanding looking about for the houſe, and I did not know what I had till it was opened at the watch-houſe, I gave Ryland directions where to go.

Mr. Ryland. He gave me directions to this man, and I went there, but could not find any ſuch perſon.

ANTHONY MUSSARD *ſworn.*

I am a broker, I know the priſoner two years, he ſerved me in my ſhop, after he had done in the ſhop, he uſed to go to be waiter at Vauxhall and Bagnigge-wells I truſted him, and he always behaved very well to me.

ANN CLARK *ſworn.*

I have known him thirty-two years, when he was a child, he is about thirty-five years old, he was in the woollen manufactory, but when Fordyce failed, he owed him ſeven hundred pounds, that was the downfall of him; I uſed to go to ſee them when they lived in ſplendor; and he came to me, and told me that the American affairs hurt him, his buſineſs being dead; I can ſay no more, he had always a good character; he has dealt for thouſands of pounds; there were gentlemen on Saturday who waited till ten, but they could not come to-day to ſpeak for him.

BELLA HIGHLAND *ſworn.*

I have known the priſoner eight years, a very honeſt man in every thing; we employed him in the coal-way, he always brought change very honeſt and juſt; my huſband would have been here, but he could not come; he was very much reduced

duced when we employed him; he has now a wife, and ſix children, in the workhouſe, in very great diſtreſs.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Juſtice NARES.

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471. SAMUEL DUNBAR was indicted for feloniouſly ſtealing on the 20th day of February laſt, two heads of raw hair, value 5s. the property of Thomas Rowney.

GUILTY.

To be privately whipped.

Tried by the firſt London Jury before Mr. Baron EYRE.

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472. WILLIAM BROWN (aged fourteen) was indicted for feloniouſly ſtealing, on the 26th of March laſt, one pair of ſtockings made of ſilk and worſted mixed, value 5s. one pair of ſilk and cotton, value 5s. three pair of mixed cotton, value 10s. and one ſtocking, value 2s. 6d. the property of John Butler.

JOHN ROGERS *ſworn.*

On Saturday the 26th of March, between ſeven and eight in the morning, the priſoner came into Mr. Butler's ſhop and aſked for a half-pennyworth of worſtead, and gave me a ſhilling to change; and then aſked me what a pair of ſtockings would come to that would fit him; I told him a pair of wove hoſe would coſt twenty-pence; I ſhewed him ſome; he ſaid they were too narrow ribbed; then I ſhewed him a ſecond parcel, and he ſaid, they were too large ſtockings; I went to the bottom of the ſhop, and as I returned, I thought his apron looked rather bigger than it was; I aſked him to let me look at his leg, and when he held out his leg, I looked over the compter, and ſaw the top of one of the blue and white random cotton ſtockings under his apron; I laid down the parcels, and was coming from behind to ſhut the door; he immediately ſeeing that ran out of the ſhop as faſt as he could; I followed him, and cried ſtop him! ſtop him! he was ſtopped in my ſight, he was not out of my ſight hardly; he dropped the ſtockings in three different places; I ſaw him drop them all; he was the ſame boy, I have no doubt; I took the ſtockings home, and put them in this paper; and I have kept them in my own poſſeſſion ever ſince.

(The ſtockings produced and depoſed to.)

EDWARD JOLLY *ſworn.*

I was coming by Biſhopſgate church, and I heard the cry of ſtop him! I let the boy go by; I turned round and ſaw him throw down ſome ſtockings; then I returned after him, and when I got to the corner of the church-yard, I ſaw him throw down ſome more; another man croſſed to him, and ſtopped him; he was out of my ſight, juſt turning off the ſtone the corner of the church-yard.

The priſoner called four witneſſes who gave him a very good character.

GUILTY.

To be twice whipped.

He was humbly recommended to mercy by the Proſecutor and Jury.

Tried by the firſt London Jury before Mr. RECORDER.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXV.

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

473. WILLIAM BOLTON, otherwiſe RICHARD BOLTON was indicted for feloniouſly ſtealing on the 1ſt day of March laſt, twenty-ſix pounds of butter, value 12s. and one wooden caſk, value 4d. the property of William Brown.

The priſoner was taken with the butter on his back.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. Baron EYRE.

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474. GEORGE WARD and THOMAS CONNOR were indicted for feloniouſly aſſaulting Alice, wife of Thomas Weldon, on the 4th of April, on the King's highway, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one pair of linen ſheets, value 10s. eleven linen napkins, value 11s. one table cloth, value 3s. a Marſeilles petticoat, value 2s. a dimity petticoat, value 2s. a flannel petticoat, value 1s. a dimity petticoat, value 1s. two frocks, value 2s. four ſhifts, value 6s. ſix cambrick handkerchiefs, value 6s. two pair of pockets, value 6d. eighteen towels, value 9s. one apron, value 6d. and one pair of cotton ſtockings, value 6d. the property of George Franklin, Eſq.

ALICE WELDON *ſworn.*

I was robbed between eight and nine, on laſt Monday night; I was ſtanding with my baſket of clothes waiting for a perſon, and the two priſoners came up to me, and Connor demanded my baſket; I told him no; he put his hand upon my baſket, and aſked me to deliver it.

Court. Tell me exactly what he ſaid? ——He ſaid to me, deliver the baſket, that was all; I told him no, I would not part with my baſket, it did not belong to me; with that the other priſoner, Ward, ſtruck me down, and the other priſoner ran away with my baſket; I ſcreamed out murder! ſtop thief! I kept crying ſtill the ſame, and I ran after Connor, and the priſoner Ward followed me, he ſwore a blaſphemous oath, and ſaid, you bitch, I will ſoon ſtop you from following him; he catched me by the throat, and attempted to throttle me; I got his hand from my throat, and then he gave me another knock, and knock-

ed

ed me down under a coach wheel, and then he left me; the other man was caught with the linen, and brought to me in five minutes after.

Did you know theſe people before?——No.

What opportunity had you to obſerve them;——They ſtopped ſeveral minutes, and I looked very hard at them; they ſtood within a yard of me, they ſtood cloſe by me; I ſaid nothing more than what I have told you; they ſtood the ſpace of three minutes.

What light had you to ſee them by?—The corner lamp.

Can you ſwear you had an opportunity of obſerving them, ſo as to know them again?——Yes, I can ſwear it.

Are you very ſure of them both?—Yes, I am very ſure of them both.

When was Ward taken?——Not till the other was at the watch-houſe.

How long after?——It might be the value of ten minutes.

In whoſe poſſeſſion has the linen been ſince?——In the poſſeſſion of Margaret Innis.

Who delivered them to her?——One Mr. Franklin.

Priſoner Ward. That woman has ſworn very falſe in what ſhe has ſaid, therefore let them be examined one by one.

MARGARET INNIS *ſworn.*

About eight in the evening, I went to the houſe of Mr. Franklin, where I received that linen in the indictment, from the houſekeeper, I gave it to Mrs. Weldon; I had to call at a gentleman's houſe in Portman-ſquare; and told her either to ſtop at a corner of a ſtreet, or to go home to my houſe; when I came back to the corner of the place ſhe was gone, I went ſtraight home, and before I got home, a gentleman came to me to come to Mary-le-bon watch-houſe, for the woman was knocked down and robbed, but ſhe was taken there, and the linen and all was ſafe; I went there that night between nine and ten, and ſaw the linen; I ſaw no perſons in cuſtody that night; I was told to go there at ten in the morning; then I went to the office in Litchfield-ſtreet, there I ſwore to the property, and it was delivered to me at Litchfield-ſtreet; I took home the linen; it has been in my poſſeſſion till I brought it here; this is the ſame that was delivered to me at the office; it is the property of Mr. Franklin.

(The linen produced and depoſed to.)

RICHARD BARON *ſworn.*

My brother lives at Lord Foley's, I had been to Seymour Mews, and I heard a woman crying out murder! ſtop thief! and I went up, and I ſaw the priſoner Ward in the light colour coat knock this woman down; and the other priſoner was running in the ſtreet with a baſket of linen in his arms; I caught hold of the flap of his coat, and I fell down, and another young man that is here, came and caught him, and he flung down the baſket of linen; and that young man, when he ſaw he was near being taken, he ran into Mary-le-bon lane, and another young man ſtopped him.

Was he never out of your ſight after he dropped the baſket?——No, he was not, I was within a yard of him all the way he went; the other priſoner, Ward, came up, and ſaid to the man that caught him, what are you going to do to him? and he called him a raſcal, and ſaid, why do not you take him to the Juſtice's, and he ſtruck him; and Ward came up to the watch-houſe, and he was very buſy there, and ſaid, they had no buſineſs to uſe him ſo, and damned his eyes, and ſaid why did not they carry him there; he ſtood at the door, ſaying a good deal to ſeveral people, and a man was ſaying to him, what buſineſs have you to buſy yourſelf with it? and I came up and ſaid, this is the man that I ſaw knock the woman down; ſo then he was taken.

Mr. Peatt, Priſoner Ward's Counſel. At what time did the priſoner Ward come up?——As ſoon as ever we laid hold of him, it might be ten minutes.

What did Ward ſay when he came up?—He damned him, and ſaid he had no buſineſs to ſtrike him.

What

What did Ward ſay when he was taken?—I do not know.

Did he attempt to eſcape?——No, not in the leaſt.

THOMAS SWENDELL *ſworn.*

I was coming from Portman-ſquare, towards Cavendiſh-ſquare; I heard the cry of ſtop thief! and I ſaw a man running with a baſket towards us, and Richard James that was with me catched at the baſket, and he flung it down, and we gave it to the woman; I did not ſee him taken.

Should you know the perſon that you ſaw throw down the baſket?——Yes.

Is he in court now?—That is the man, the ſhorteſt of the two.

Are you ſure of it?——Yes, Richard James that was with me picked up the baſket, this all that I know.

RICHARD JAMES *ſworn.*

As I was coming from Portman-ſquare to Cavendiſh-ſquare, as I paſſed Mary-le-bon lane, in Wigmore-ſtreet, I heard the noiſe of halloo! and ſtop thief! I croſſed the way, and met Connor with the baſket of linen, I tried to catch him, and he made a ſhift, and he threw it down, I immediately gave it to Weldon, and when I had ſo done, ſhe ſaid, my cloak lays under the wheel; there was a carriage juſt by, I gave it to her; as ſoon as ever the man dropped the baſket he ran off; I did not ſee him taken; the priſoner Connor is the man that dropped the baſket; then a perſon ſaid he was taken; then I went to ſee him, and it was the ſame man, they ſaid they would take him to the watch-houſe; I ſaid no, bring him to the woman.

HARRIOT SPENCER *ſworn.*

I was out a little after eight, and coming along Wigmore-ſtreet, I heard a woman crying out murder! I looked on the other ſide of the way, and I ſaw a man running with a baſket, and he croſſed the way, I ſaw the man throw down the baſket, I did not ſee him taken.

Should you know the man again, whom you ſaw with the baſket?——Yes, I knew him when I ſaw him in the watch-houſe.

Is he here now?—Yes, the man in the brown coat, Connor.

THOMAS DAVIS *ſworn.*

I was coming along Wigmore-ſtreet on this night, and croſſing Welbeck-ſtreet, the two priſoners came down Welbeck-ſtreet, and the woman with the clothes was ſtanding by the ſide of the rails, and as they came to the woman, they made a full ſtop, and let me come by; I paſſed them; when I came to Mary-le-bon-lane, I heard a cry, and there was a coach coming along which drowned the noiſe, I heard the cry again, I run acroſs, and Connor came running down down on the other ſide of the way, I ſtruck at him, he run as far as Marybone-lane, and ſtruck againſt a butcher's ſhop, and I caught him in my arms, tumbling in the kennel; I ſaw him do nothing, I am poſitive he was one of the perſons that I ſaw near the woman.

PRISONER WARD's DEFENCE.

There is a gentleman come to the bail-dock, and he ſaid, he was there at the firſt beginning and there at the end of it, and it is a pity that innocence ſhould ſuffer; he ſays, his name is William Lare.

Mr. Peatt. Do you wiſh to have him called?—Yes.

WILLIAM LARE *ſworn.*

I am a journeyman plaiſterer; between the hours of ſeven and eight on Monday night, I was coming from Well-ſtreet, with a pot of colour in one hand, and ſome oil in the other, I ſaw a woman ſitting upon a baſket of clothes, and I heard the cry of ſtop thief! and I went and ſaw a man kicking and ſtruggling on the ground, I gave him two or three good kicks, I came up to a man in a darkiſh dreſs, and there was a man holding him, and he was looking at him, they took up the man and brought him to the women, with the clothes and they ordered the people to clear the way, and ſhe ſaid, ſhe was knocked down

by a man in a white coat, and the woman ſaid, that man was not there.

Who was that man in the darkiſh dreſs? ——I cannot tell, ſhe ſaid, the man in the darkiſh dreſs was the man that took the bundle, and the man in the whitiſh coat, was the man that knocked her down; there were ſeveral people ſhewn her, ſhe ſaid the man was not there, but the priſoner Ward was there the lateſt of the two.

Court. Did ſhe ſee the two priſoners? ——No, ſhe ſaw one of them.

Did ſhe ſee either of the priſoners?—I do not know that ſhe did.

But you ſay Ward was there, you ſaid juſt now, that the talleſt of the two was there?—Yes.

Court. Did ſhe look at either of the priſoners?—Yes.

Priſoner Connor. I have nothing to ſay, I have no witneſſes.

BOTH GUILTY Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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475. THOMAS BATEMAN otherwiſe PARKER was indicted for feloniouſly aſſaulting Hannah Smith, ſpinſter, on the 4th of April, on the King's highway, and putting her in corporal fear and danger of her life, and taking from her perſon and againſt her will, one miniature picture with plaited hair, ſet in gold, value 10s. her property.

(The witneſſes examined apart.)

HANNAH SMITH *ſworn.*

I live in Fleet-ſtreet, I was robbed on Monday the 4th of April, about nine in the evening, about thirty yards below Johnſon's-court, to the beſt of my knowledge.

Where was you going?——To Fleet-market.

Which ſide of the way is Johnſon's-court?—The Shoe-lane ſide, I was walking down, and the priſoner and another young man taller than himſelf, ſtopped me; they rather paſt on about three yards behind me, and caught hold of me, and this priſoner took hold of my locket, which I had round my neck, and held it while the other attempted to cut my cloak off, I caught hold of his collar and held him, this picture hung in a locket to my neck, the ſtring of the locket was broke, and he held the locket in his hand; I held him by the collar with one hand, and the ſtring that hung to the locket by the other; I cried murder! ſtop thief! and about ſeven yards behind me, the conſtable got hold of him; I never looſed him out of my hand till the conſtable had him, and he was taken to the Compter; I kept the locket in my poſſeſſion till the morning, and the conſtable has had it in his poſſeſſion ever ſince.

What kind of a locket was it?—It was a miniature picture ſet in gold, a gentleman's picture with plaited hair at the back.

Who do you live with in Fleet-ſtreet?—I lodge in Johnſon's-court.

Had you any converſation with theſe two young men?——I never ſpoke a word to them, till they were taken; I did not know them before.

Who do you lodge with in Johnſon's-court?——One Mrs. Parker, at No. 2, ſhe is a mantua-maker, I am a mantua-maker.

Do you work at your buſineſs?—Yes.

What was you going for?—I was going to buy ſome fiſh for ſupper.

How long had you been out?—I came directly from the place where I lodge to the market.

Had you ſpoke to any body before?—— No, I never ſtopped nor ſpoke to any body.

Did they ſay nothing to you?—Nothing at all.

Priſoner. Sir, this woman that ſhe talks of, keeps a houſe for theſe ſort of girls to be in, an houſe of ill fame.

Court to Proſecutrix. How many people are there that lodge in the houſe beſides you?—There is a married lady lives in the houſe, and the landlady, and myſelf, no-

body elſe, and ſhe is a married woman, and her huſband follows his buſineſs.

WILLIAM FORSYTH *ſworn.*

I am an officer, I remember an out-cry on Monday night, I was in Fleet-ſtreet, I am one of the City patrols, between nine and ten, coming down Fleet-ſtreet, I ſaw the priſoner at the bar go up to this young woman, and ſnatched a gold picture from off her neck, he made two or three pulls at it, and before he got it off, ſhe cried out murder! There was another in company with him, and the ſame time I ran up and ſeized the priſoner, he opened his hand, and the proſecutrix took the picture out, and one of them ſtruck her on the breaſt; as ſoon as I took the priſoner in cuſtody, the other made his eſcape, I took the priſoner to the Compter, and deſired the young lady to give me her addreſs; ſhe was ſcarce able to walk at the time, and two gentlemen aſſiſted her; here is the picture, I ſaw him ſnatch it.

(The locket ſhewn to the proſecutrix and depoſed to)

Priſoner. Pleaſe to aſk her, whether ſhe is not a common ſtreet walker.

Court. If ſhe was you have no right to rob her.

Court to Forſyth. Do you know the young woman?—I cannot ſay I do, I have ſeen her in the city or Norwich, but I have not ſeen her for three years.

Is ſhe a perſon of character or no?——I cannot ſay.

PRISONER's DEFENCE.

I was going down Fleet-ſtreet with a young man, I ſell greens and potatoes with a jack-aſs, as I was coming home walking down Fleet-ſtreet towards the market, this young woman immediately ran after me, ſhe was talking to this gentleman, ſhe immediately ran after me, ſays ſhe, this is the perſon that robbed me; and this gentleman took me, I had a perſon here, but I do not ſee him now, his name is Badcock, a leather-cutter, the corner of Weſtmoreland-buildings; when I was in the Compter, a perſon came and ſaid, that woman had ſerved him ſo, and the conſtable had ſerved him with a warrant, that he ſhould not appear.

Forſyth. His name is Simons, the warrant has been out againſt him this month, I do not know who he is, I imagine he was the ſame man that was with this priſoner.

Do you know any thing of this woman having ſerved him ſo?—No.

Priſoner. This man promiſed to come and appear for me, ſhe ſwore he drew a bayonet upon her, and would take her life away.

Court to Proſecutrix. Do you know any thing of this?——It is a thing that does not concern me at all, it is a young man that gave this gentleman the warrant, it was ſome time ago he met this young man, whoſe name is William Denniſon, and beat him, he was going home to the other end of the town.

Court to Proſecutrix. Did you ever charge that man with meddling with your locket? No, my Lord, I never did, he went to Guildhall to ſpeak for the priſoner, and he was taken into cuſtody.

What was he to have ſaid for this young man?——Whatever he thought proper I ſuppoſe.

Upon your oath, did you ever charge that man with having taken your locket, or attempting to take your locket?——On my oath I never did attempt to charge him with it.

GUILTY, Death.

Tried by the firſt London Jury before Mr. Baron EYRE.

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476. WILLIAM BAKER was indicted for feloniouſly ſtealing, on the 14th day of March laſt, twenty five calf ſkins, tanned, value 40s. the property of Lawrence Veiffiere and John Oſborn.

The priſoner and another man were taken in Duke's-place, with the ſkins, they were

were offering them to ſale; the other man eſcaped.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. Baron EYRE.

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477. SAMUEL HOLT was indicted for that he, on the 22d of November laſt, feloniouſly did receive twelve deal boards, of the thickneſs of two inches, and the length of ten feet each, value 20s. the property of Joſeph Waring; whereof Richard Gardener was at the laſt aſſizes for Surry, tried and convicted of ſtealing, knowing them to be ſtolen.

(The caſe opened by Mr. Garrow.)

(Mr. Silveſter, and Mr. Fielding, Council for the Priſoner.)

SAMUEL WELCH *ſworn.*

This is a copy of the record of the conviction of Richard Gardner, I examined it with the record, it is a correct copy.

(Read and examined by Mr. Silveſter and Mr. Fielding.)

Mr. Fielding. Your Lordſhip will order the accomplice to be ſent out of Court.

JOSEPH WARING *ſworn.*

I am a timber merchant, I loſt ſome deals, there are marks on the edges to diſtinguiſh the Dram deals from other deals; Dram is a port in Norway; in conſequence of an information from Marlow, I went to Chelſea, about the middle of December, they were loſt about the latter end of October, I miſſed them before I went to the priſoner's, and I found ſuch deals that I had not the leaſt doubt they were my property; they were in a ſhed that the priſoner's wife told me belonged to the priſoner, I applied to the priſoner's houſe for ſuch deals.

Court. How many deals did you find?——I did not count them, but there were I ſuppoſe ten or a dozen, that was about the number I loſt; I am ſure there was not more than what I loſt, they were two inch yellow deals, called Dram deals; I think they are the ſame deals from the freſhneſs of the deals in the firſt place, I am confident they have not been piled; deals that have been piled acroſs each others, contract a mark, they had the Dram mark on the edge, and they were yellow deals, which is another particular circumſtance, I and not only yellow deals, but of that quality of yellow deals which is very remarkable; there are what we term beſt deals and laſt deals, theſe appear to me to be laſt deals.

Court. What is the ſpecific difference between beſt and laſt?—The beſt has more of the heart of the wood, the laſt are more diſcoloured with the ſap; I knew I had loſt ſome deals, from a circumſtance that we always make our obſervations upon, when a barge has lain at a wharf two or three days, the deals get a different complection, the top deals have a very different complection from thoſe that immediately follow them, and the morning following the night the deals were taken out, there was the appearance of quite a difference in the barge, which ſhewed there muſt have been deals upon them the day preceding.

Mr. Garrow. Were thoſe that were miſſing, taken up from the whole face of the barge, or taken from the top?——Taken from the whole face.

What was the value of thoſe deals you found at the priſoner's?——I ſuppoſe a guinea.

How much apiece?——I value them at eighteen pence each.

Court. Are you the importer?——No, we buy of an agent, there are agents employed to ſell to the yard keepers.

What was the priſoner, a carpenter?—No, he cuts up fire wood, and theſe were too good for that; the priſoner keeps a coal ſhed, and ſells fire wood, and keeps a chandler's

chandler's ſhop, he is an entire ſtranger to me, I never ſaw him till he appeared at Juſtice Hyde's.

To a carpenter at his ſhop, laid into him, what would the worth of theſe deals be?—At leaſt a guinea, towards two ſhillings apiece.

Mr. Silveſter. You are not the importer then of theſe deals?——I am not, they are imported from Dram.

What quantity of deals are imported from Dram, you do not know?——That is impoſſible to ſay, without we were to look at the entries at the Cuſtom-houſe.

Therefore it is impoſſible for you to ſay what quantities come into this kingdom?—Yes.

Moſt of your deals, I believe, do come from Norway?—Yes.

They are not all aſſigned to you?——O dear! no.

Upon theſe deals there was no mark of yours?——No, only the mark of Dram, I cannot tell what quantity of thoſe deals were on the river at that time, thoſe that I loſt were on board a barge, I had the care of them, the ſhip's crew loaded them.

When did you ſee the barge with deals upon it firſt?—Several times, it lay ſeveral days, I cannot tell when I firſt ſaw it, I remember the circumſtance of loſing the deals.

Are thoſe the deals that Gardner was convicted of ſtealing?—Yes.

Mr. Silveſter. Have you them here?——No.

Nor an end of one?—No; what I ſaw, I left there, I did not attempt to remove them.

Court. Did Gardener plead guilty?—No.

Mr. Silveſter. None were produced at Kingſton?—No.

There was a confeſſion of Gardner's?—Yes.

EDWARD MARLOW *ſworn.*

Mr. Silveſter. Have you not been tried before?——No, I know Gardner, and I know the priſoner, I believe it was about the firſt of laſt November, there were four of us, William Ellington, Richard Gardner, William Brown, and myſelf, we rowed away with one of the waterman's boats from the Ferry at Chelſea about eleven at night, we rowed down to Mr. Waring's wharf, at Lambeth Marſh, I know it is his, becauſe I have been there ſince, in company with Mr. Waring, we ſaw a barge loaded with deals, we went there and handed out eleven deals, we lifted them up to the boat, and rowed away to Mr. Holt's yard; we left them in the yard till next morning, and the next morning I ſaw the priſoner about ſeven in the morning in the ſhed, I aſked him if he would have ſuch a thing as ſome deals, he ſaid, yes, he wanted ſome, ſo he aſked me what they were apiece, ſays I, you know as well as I do, ſays he, here are ſeveral that I had for nine pence apiece, ſo then ſays I, I muſt have the ſame I ſuppoſe, ſo I went up with him to his houſe, and he looked out nine ſhillings, ſix ſhillings in ſilver, and three ſhillings in halfpence, and gave me them for the deals; ſometime after this I told this ſtory to Mr. Collinſon, and he carried me to Mr. Waring, I went to Mr. Holt's afterwards, and ſaw ſome of the ſame deals that I carried from the wharf there, I am ſure they were the ſame.

Did any other converſation paſs between you and the priſoner about deals?——No, Sir, I had no other converſation with him.

Mr. Fielding. Theſe deals were left in the priſoner's yard firſt, without his knowing any thing about the matter?—Yes.

Then he aſked you what theſe deals were worth?——He uſed to have them very often.

Did not you live with Mr. Holt?—No.

Did not you work with him?—A little.

How long?—I believe a week at times.

How came you to part with him?—Becauſe he had no more work for me to do.

Did not he diſcharge you, having objections to ſomething you had done?—No.

Was not he obliged to take you up with a warrant, and carry you before a Magiſtrate?—That was afterwards.

How did that affair end?——I ſerved a warrant upon this gentleman here, Mr. Holt,

Holt, and he ſerved one on me, and ſo we ſettled the matter.

Who is this Mr. Collinſon you have mentioned?——A gentleman that lives at Chelſea.

How came you to apply to Mr. Collinſon?—Becauſe that there day, as Mr. Holt and I had a few words, it was mentioned concerning theſe deals; Collinſon was at the ſign of the flaſk, he is a maſter tradeſman at Chelſea, a vinegar merchant I believe.

How came you to apply to Mr. Waring?—I went with Mr. Collinſon, becauſe I was afraid that there would be ſome noiſe about the deals; I had left off thieving with them.

How many thefts have you been concerned in with them?——I do not know rightly.

You never was tried?—No.

You gave evidence did not you?—Yes.

What is Collinſon to give you?——Nothing.

Has not he promiſed you ſomething?—No.

Did Currie offer you anything?—Never.

Had you any converſation with any other gentleman reſpecting this buſineſs?—No.

Did you ever tell Mr. Roſe, or Mr. Gardner, or Mr. Faulkner, or Mr. Groves?—No.

Did not you tell them you ſhould never have thought of this, if you had not been urged to it?——I never ſaid ſo to either of theſe gentlemen in my life, nor anything leading towards it.

Mr. Garrow. Theſe perſons I believe came to you in the gaol?—Yes.

One of them is the brother of that Gardner that was convicted?—Yes.

They were all examined at Kingſton were not they?—Yes.

Court to Priſoner. Now Sir, do you leave your defence to your council, or do you deſire to ſpeak your ſelf to the Jury.

Priſoner. I leave my defence to my council and your Lordſhip.

Mr. Silveſter objected that the property was not produced.

Court. Property is never neceſſary to be produced, it is always convenient by way of aſcertaining the property, and the beſt means of aſcertaining it very often is by producing it in open Court; there is no technical rule that requires the production, the queſtion will be, whether the Jury are ſatisfied, that theſe deals were Mr. Waring's property; there is no technical neceſſity for the production of the property.

Mr. Silveſter. My Lord, it is incumbent upon the proſecutor always to give the beſt evidence he can.

Court. Certainly, but with reſpect to property, ſometimes it is ſo dirty it cannot be produced.

Mr. Garrow. It happens every day my Lord, for inſtance, a horſe or a cow, they do not bring them into Court.

JOHN CARTER *ſworn.*

I am a maſon, I live at Chelſea, and am a near neighbour to Mr. Holt, he keeps a chandler's ſhop, and is a coal merchant; I have known him four or five years, I never heard any thing againſt him, he is a houſe keeper.

Mr. Garrow. Did you know the priſoner, when he had an appointment in the Cuſtom Houſe?—I cannot ſay I did.

Is he a timber merchant?——I ſuppoſe he ſells ſome little trifle to light fires with.

THOMAS TAYLOR *ſworn.*

I am a carpenter, and live at Chelſea, about one hundred yards from the priſoner, I have known him four or five years; he has a very good character as far as I have heard.

Mr. Garrow. Perhaps as you are a carpenter, if you have an opportunity you purchaſe deals of him?——Never in my life.

Does he deal in them?——Not as I heard.

Cannot you put deal planks to a better uſe, than cutting them up for fire wood?—

I do not know, that is according to the quality.

Mr. Silveſter. No perſon in the world can ſwear to deals?—No.

——— RENNEY *ſworn.*

I live in Litchfield-ſtreet, St. Ann's, Soho; I have known him upwards of twenty-five years, I can give him the beſt of characters, I knew him when he lived with the Princeſs Dowager of Wales, as chairman; he has a penſion of forty pounds a year, General Maitland can give him a good character, I always knew him to be an honeſt man, here is a letter from General Maitland to ſhew his character.

Court. That cannot be admitted.

WILLIAM ROBERTS *ſworn.*

I live at Kenſington, I have known him ten years, I have been in company with him ſeveral times, his general character has been very good, a very honeſt man as ever I heard of.

RICHARD HUGHES *ſworn.*

I live in King-ſtreet, Holborn, have known him four or five years, he bears a very good character.

JOHN BEACH *ſworn.*

I am a coal merchant, at Chelſea, I have ſerved him ever ſince he has dealt in coals; I have known him near five years, I never heard any thing amiſs of him, till this affair now before you; he always paid me very well; he is a man of credit, and honor, and of a general good character.

RICHARD MURREL *ſworn.*

I have lived at Chelſea near five years, I have known him that time, an honeſt induſtrious man, his general charcter, to my knowledge, has been generally good.

——— MUNDAY *ſworn.*

I have know him about five years, and ſerved him with beer, I never knew any reproach in his character, except a few diſputes.

WILLIAM SMEYD *ſworn.*

I live at Chelſea, I am of no buſineſs, I have known him five years, or rather more, I never heard but he was an honeſt fair dealing man.

CAPTAIN READ *ſworn.*

I have known him between four and five years, I knew nothing amiſs of him; I am overſeer of the poor this laſt year, and we employed him to ſerve the work-houſe, he ſerved us very well.

Court to Priſoner. You have a very good character, a great number of people appear for you, do you give the Jury no ſatisfaction how you came by theſe deals?

Priſoner. My Lord, I have none to offer now, I know it is a ſpiteful proſecution, by Collinſon, Currie, and another, they have ſought out this wicked fellow that lives by thieving.

Court to Proſecutor. Whereabouts was it you found theſe deals, in Holt's ſhed?—I went to his houſe, and found his wife; his premiſes conſiſt of a ſmall houſe, this ſhed is detached from the houſe, it is the ſame ſide of the way, to the beſt of my recollection; there are other houſes, but the key I had delivered me by the woman, who ſtiles herſelf his wife, and there we found theſe deals, and others more valuable, and coals.

Court. Is there any body here knows it to be Mr. Holt's ſhed?—It was Mr. Holt's ſhed, he built it.

GUILTY.

Tranſported for fourteen years.

He was humbly recommended to mercy by the Jury and proſecutor, on account of his general good character, and being a very old man.

Court. What is his age?—Sixty-five, I lived twenty-ſeven years with her Royal Highneſs the Princeſs Dowager of Wales.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

478. PA-

478. PATRICK EAGAN otherwiſe M'GRATH was indicted for that he, well knowing that one Chriſtopher Dalton, deceaſed, had ſerved our Lord the King, on board the Naiad, and that certain wages and pay were due to him for ſuch ſervice, on the 2d of October laſt, did appear in his proper perſon, before the Worſhipful Andrew Coltee Ducarell, Doctor of Laws, then ſurrogate, &c. and did then and there produce and exhibit a certain paper, partly printed and partly written, with a certain mark thereto ſubſcribed, purporting to be the laſt will and teſtament of the ſaid Chriſtopher Dalton, bearing date the 5th of February 1784, and that he, on the ſame day, unlawfully, wilfully, knowingly, and feloniouſly, did take a falſe oath, to the purport and effect following, that is to ſay, that that paper contained the laſt will and teſtament of the ſaid Chriſtopher Dalton, and that he was the executor therein named, the ſaid Andrew Coltee Ducarell then having ſufficient power and authority to adminiſter ſuch oath, with intent to obtain probate of the ſaid will, in order to receive payment of the ſaid wages and pay, againſt the form of the ſtatute.

A ſecond count in like manner, only charging him, that he *ſuppoſing* ſuch wages and pay were due, &c.

(Mr. Fielding opened the indictment and Mr. Baldwin the caſe.)

GEORGE PLAYER *ſworn.*

Examined by Mr. Silveſter.

I am a clerk to the Navy Office, theſe are the Naiad's pay books.

Is there the name of Chriſtopher Dalton on thoſe books?—Yes, I find ſuch a name.

Were there any wages due to him at the time of his deceaſe?—Yes Sir, eight pounds ten ſhillings.

When does it appear by theſe books that he died?—The 26th of December 1783.

Have you ſuch a name as Patrick Eagan?—Yes, he was rated able part of the time, and foremaſt man all the time.

Was he on board at the time when this other man died?——He appears to have been on board from the 4th of March 1783, till the 2d of June 1784, when he was paid off.

Have you any ſuch name as William Barnaby, and John Stephens?——Here is no ſuch name as Barnaby, here is John Stevens.

Mr. Baldwin. Theſe are the witneſſes to the will.

Mr. Peatt, Priſoner's Council. Is that book kept in your department, in the Navy Office?—Yes.

SAMUEL HAWKINS *ſworn.*

I produce the original will, as tendered by the priſoner at the bar; I produce the act of Court, of Doctor Ducarell, as to the oath being taken.

Mr. Peatt. Who are you?——I am a clerk of the Prerogative Office, I only attend with that will from the office.

Mr. Peatt. I beg leave to ſubmit to your Lordſhip, that this will cannot properly be read here, it has not yet been proved.

Court. No, it has not.

JOSEPH SPECK *ſworn.*

I am in the office of Meſſ. French and Abbot, proctors.

Do you know the priſoner?—I do.

Do you remember the priſoner coming to the office of French and Abbot?——Yes, in the month of October laſt, I do not exactly know the day.

Did he produce that paper?—He did.

What was the purpoſe of his application?——In order to obtain the probate of the will.

Was that the will that he wanted to have the probate of?——It is.

What ſteps did you take to obtain it?——I immediately wrote the jurata upon it, I took him before Doctor Ducarell, where the uſual oath was adminiſtered, and he was ſworn as the ſole executor therein named.

Court. You was preſent when he was ſworn?——I was.

And

And heard the oath adminiſtered?——I did.

Did you put this indorſement on it?——Yes, the indorſement is, that he proved the will, by the name of Patrick M'Grath, that is the name mentioned in the will; the indorſement is Patrick M'Grath, before me Andrew Coltee Ducarell.

Did you make this indorſement by order of the priſoner?——I did, and that he died in December laſt.

When did he prove that?—The 2d of October, 1784.

What is the date of the will?—The 5th of February, 1784.

Mr. Peatt. You are ſure that is your hand writing?——Yes, I ſaw the oath adminiſtered.

Did you ever ſee the priſoner before?—Never but that time.

How long might he be with you?——A quarter of an hour in the whole I ſuppoſe.

Mr. Baldwin. What is the form of the oath?——The executor laying his hand on the Bible, ſwears that is the laſt will and teſtament of ſuch a one, and that he is the ſole executor therein named.

Court. Write me down the words of the oath, as the Doctor mentions it, I only want it for the Jury.

(The will read, ſigned Chriſtopher Dalton, his mark, dated the 5th of February 1784, appointing his beloved kinſman, Patrick M'Grath, ſole executor, in the preſence of William Barnaby and John Stephens.)

JOHN GILES *ſworn.*

Examined by Mr. Silveſter.

I am a Navy agent, I know the priſoner, I remember his applying to me ſome time laſt October, to receive the wages of Chriſtopher Dalton, deceaſed, late belonging to his Majeſty's ſhip the Naiade, accordingly I applied for the wages at the pay office in Broad-ſtreet, which I received, which I have ſince accounted to his order, not to himſelf; the probate was ſent to me from French and Abbot, of Doctors-Commons.

Did he afterwards come to you in conſequence of that probate?——This order I received from him, by which I received the money at the office.

The order read, ſigned Patrick M'Grath, directed to the Honourable the Treaſurer, or Paymaſter, of his Majeſty's Navy, dated the 3d of October, 1784.

"Mr. Treaſurer, pleaſe to pay to Mr. "Giles the wages due to Mr. Chriſtopher "Dalton, for which this ſhall be your au- "thority; Patrick M'Grath.

Mr. Giles. I ſaw the priſoner two or three times after that; after I had paid the money, I did not ſee the priſoner for two months after; about three months after I had received the money, I was informed by a Mr Lock, that he had been applied to by a woman to adminiſter to Chriſtopher Dalton, in conſequence of which he went to have the books ſearched at the Navy-office, and found the money had been paid to me; I carried the book to Mr. Lock, and upon looking at the will, we found it was dated two or three months after the man's death, that led us to ſuſpect it was a forgery; four or five days after, I heard that Mr. M'Grath was at Graveſend, and ſometime after M'Grath came in, ſays he Mr. Giles, I find you have got ſome more money, for I ſent to tell him I had, and I then told him that another perſon had been applying for the wages of Dalton, and that his (the priſoner's) claim was rather doubtfull and I did not think it was juſt; however, ſays I, if you will take a ſtep with me to Mr. Lock, a navy agent, to whom a perſon has been applying about it, we will ſettle it; he rather declined it, and ſaid, he would call tomorrow, I told him it would not detain us any time, he went out with me, and upon the Hill, he ſaid, he could not go any further, he was obliged to go down to the river ſide, or he ſhould loſe half a guinea, I told him I had ſome buſineſs that way; he ran into a public houſe and ſeemed in confuſion, he did not ſtay a minute, I enquired for a conſtable, and

I went

I went after him, and when I brought the conſtable up, off the priſoner ſet, I could not ſee him, and a perſon that ſaw him, ſaid, I believe the perſon that you want is gone under a gate-way; I ſays to him, why are you in ſuch confuſion, why do you not ſtop, I do not recollect what he ſaid, he was in ſuch confuſion; he went before me, and juſt at the bottom of the lane, there was a woman with a ſtall, and he turned in there to the gate, and there I loſt him; about two or three hours after that, he wrote me a few lines, making an apology for his going ſo quick, that he had ſome goods to take on board a ſhip, and he would call again in two or three days; he did not call again, I went to the Rotation-office, and gave information; I was relating the circumſtance to ſeveral of my acquaintance, and among the reſt was one Mr. Hunt, a publican, at Deptford, he ſaid, he knew the man, and I deſired he would charge a conſtable with him, and he was brought to London, and I ſaw him again in a public houſe in London; when I ſaw him, he ſaid, he wanted to ſpeak to me in private, but I would not; then he whiſpered me, and ſaid, he ſuppoſed if I was paid the money again, that I received for him, all would be quiet, and I would let him go, and he offered to give me his penſion ticket.

Mr. Peatt. Who wrote that order for the money at the Pay-office?—My clerk.

Who ſigned it?——The priſoner.

Was you preſent when he ſigned his name to it?—I do not recollect that I was.

Was the body of it wrote by your clerk in his preſence?——I do not think I was preſent.

What name did he give himſelf?——M'Grath, I never knew him by any other name.

JAMES MACKINTOSH *ſworn.*

Examined by Mr. Fielding.

I know the hand writing of the priſoner; *(looks at the order)* this is the hand writing of the priſoner, I ſaw him write it, I ſaw Mr. Giles's clerk write the order, and he deſired me to witneſs it; I ſaw the priſoner write Patrick M'Grath.

Court. He goes by the name of Patrick Eagan, in the navy-books?—Yes.

Lieutenant DESCHAMP *ſworn.*

I was on board the Naiad, I remember the priſoner by the name of Patrick Eagan.

Do you remember Dalton?——Perfectly well.

When did he die?——I do not recollect the time he died, it was in 1783.

Are you ſure of that?—I am ſure it was in the year 1783, it was at the Cape of Good Hope, at an iſland called Robin-iſland, we came home from Madraſs.

Had you any ſuch man as Barnaby on board?—I do not recollect we had.

When did you arrive in England?—We were paid off the 2d of June 1784, I do not recollect the day of the month we arrived.

Mr. Baldwin to Mr. Player. Did the priſoner at the bar receive his own wages?——Yes, in the name of Eagan.

Mr. Peatt to Deſchamps. You do not recollect Barnaby?——No.

When perſons die, or are transferred from one ſhip to another, their names are not returned to the Navy board, does it therefore appear in the books of the Navy office?—It appears in the ſhip's books, they are returned every ſix months.

Therefore the name of Barnaby might be in one ſet of books, and not in another.

Court. Is not it a book for the whole time?—Yes.

Mr. Peatt. Does it ſometimes happen, that a ſeaman's will is executed at one time and dated at another?—I never knew ſuch a thing.

But a will may be made out a week or two before it is dated?—I do not recollect any thing of the kind, but it cannot be dated after the man's death.

How does it appear when a man is dead upon the books?—Two D's and the time mentioned.

Is it never ſo returned when a perſon is alive?——Never to my knowledge.

PRISONER's DEFENCE.

At the time I was in the American ſervice, I was taken by the General Mootray privateer, and brought to Charles Town, South Carolina; I was confined in a priſon and ironed, and ſooner than I would bear that, I entered into the American ſervice; I went out and took a prize, then I abſconded their ſervice, and went in the name which I uſed formerly to go by, of my couſin M'Grath; I reſided at New York till I came home to England, ſix or ſeven years, I was generally known by that name, therefore the deceaſed made his will to me in that name, I had not ſeen him till I came to London, at the beginning of the war; then we were in the Bedford, then in the Waſp ſloop, and when he was dying on board of ſhip, he deſired I would not let it be known I was any relation to him; the will was made at the Cape of Good Hope, I being on board of the ſhip at the ſame time, Lieutenant Deſchamp knows I never was on ſhore, on the iſland where the will was made; the neglect in the date in the will of the deceaſed, was by ſome perſon that was on ſhore, who miſtook the date, it was brought me on board by one Iſaacſon, who was my meſſmate; when the deceaſed went on ſhore, he ſhook hands with me as he went down the ſide of the ſhip, and ſaid, he would make his will in my favour, and ſaid, he was ſorry he had not made it before; the will was brought to me by one Glaſs Iſaacſon, whom Lieutenant Deſchamps knows; the cheſts were ſtove, and I had no cheſt to put the will in, I told Iſaacſon to put it in his cheſt, which he did, he kept it till we came to England; when I came to Deptford I was a little in liquor, I did not mind will or money, or any thing elſe, and he went to Oſſend or ſome where, and kept the will in his poſſeſſion, upon this, when he returned, he returned me the will, then I applied to Mr. Giles, to know whether he dealt in any ſuch affairs; he had the will in his poſſeſſion two or three months before he paid the money, one time he gave me five ſhillings, and half a crown another, till I gave this order to my landlady that I uſed to reſide with; ſome time after I came to Mr. Giles, I ſaid, Sir, is not the Superb's money payable now? no, ſays he, there is no account of the Admiral coming home; when he made me this reply I went, and came again in a ſhort time, and aſked him whether there was no money for me; he ſaid, I have ſome for you, and I want to ſpeak to you; I told him I was going out in a Weſt Indiaman, and had a boat loaded, and muſt go down; he went with me down towards Thames-ſtreet, and went to the door, and knocked at the door; I ſaid, I muſt go down, and would ſend up a note about any thing he had for me; I gave Giles a letter of attorney to receive this money, and to pay it to one Kernan.

ROBERT DAVIS *ſworn.*

Mr. Peatt. Did you at any time belong to the ſhip Inflexible?—Yes.

Was you at the Cape of Good Hope the ſame time that the Naiad was?—Yes.

The ſhip's company frequently mixed on ſhore?—Yes, at Penguin Iſland.

Did you at any time ſee any thing paſs reſpecting the priſoner on board his own ſhip?—Yes, our ſhip uſed to attend the ſick on ſhore, ſo I went on ſhore one day, and I ſaw one Chriſtopher Dalton pull a paper from under his head, and he ſaid to a man, one Glaſs Iſaacſon, give this to M'Grath, on board his own ſhip; and we went to the ſhore and carried Glaſs Iſaacſon in our boat, and put him on board the Naiad, and the priſoner came upon deck, and he aſked me down to dinner with him, and while we were at dinner this Dutchman came down and ſpoke to the priſoner, and told him he had a paper for him, and he deſired him to give it him, and I ſaw him give him a paper, and he told him that was the will of Mr. Dalton that was on ſhore, who ſent it to him.

Did you take that paper into your hand, or look at it at all?—No, I did not, it would be of no uſe, I cannot read; and the priſoner told his meſſmate to put it into his cheſt, it might be of ſervice to him another time.

There

There were on ſhore upon this iſland the crews of ſeveral ſhips?—Yes, there were ſeven or eight ſail.

Was it poſſible for a perſon from one ſhip to witneſs a will at another?——I think ſo.

Did they mix promiſcuouſly together?—Yes, the crews of ſeveral ſhips were together all day.

I ſuppoſe they drank together and eat together?—They did.

Did you within your own experience ever ſee a will witneſſed by two perſons, one belonging to one ſhip and another to another?—I do not know that I have.

Mr. Baldwin. Have you known the priſoner any time?—Yes, I knew him and Dalton both in New York.

What time was this?—It is five or ſix years ago now, as near as I can tell, it was in the ſummer time.

How long was it before Dalton died?—I believe it was four years before he died, that was when I firſt knew him.

When you went to the ſhip who did you aſk for?—I aſked for M'Grath, he anſwered me by that name.

Mr. Peatt. I underſtand him that he knew him four years before he died.

Mr. Baldwin. Where was this paper given to you?—At the Cape of Good Hope, between the 11th of December and the 8th of March.

What did you mean to tell me that it was ſummer time?—I thought you aſked me what time of year it was that I knew him.

I aſked you what time it was this tranſaction had paſſed that you have been relating?—It was between December and March.

How long was it before his death that that paper was ſent from him to the ſhip?—I cannot ſay, I do not know when he died, or whether he is dead yet or no.

Did he go by the name of M'Grath?—He anſwered me by that name.

Court. How came you to call him M'Grath?—I cannot tell whether he went by the name of M'Grath, but I knew him by that name that he went by in New York.

Mr. Peatt. He went by the name of M'Grath in New York conſtantly?—He did.

Mr. Peatt to Lieutenant Deſchamps. You remember the priſoner at the bar of courſe, Sir, on board this ſhip?—Perfectly well; he always behaved himſelf remarkably well, he was beloved by the ſhip's company, a man that was very attentive to his duty, and I had a high opinion of him, I would have truſted him with any thing.

THOMAS MORRIS *ſworn.*

I am a peruke-maker, I have known him nine months, I know nothing but that he always was a very good ſpirited man, and very honeſt.

THOMAS MACMAHON *ſworn.*

I am a hair-merchant, I have known him ſeven or eight months, he had a very good character indeed, very honeſt and very juſt, and liked by every body.

Dr. GRAHAM *ſworn.*

Was you on board the Naiade, at the time the priſoner was?—I was, he was very attentive as far as ever I knew.

Did he behave well in the ſtation of a ſeaman?—Very well.

Had he the reputation of honeſty?—I never heard any thing againſt his character.

Mr. Peatt. My Lord, I have omitted a material queſtion, which the witneſs Davis can perhaps anſwer; it is ſtated in my inſtructions, that the priſoner and the deceaſed were ſiſter's children. Do you know whether the priſoner was nearly related to the deceaſed?—I always heard ſo.

Was it underſtood ſo at New York?—It was.

Jury to Doctor Graham. What time did he come away from the Cape?——He died on Friday the 17th of December, 1783, on the ſame night he was landed from the ſhip.

Mr. Peatt. Was he landed in the morning or the evening?—He died a few hours after

after he was landed; he was landed I think about four or five in the evening, and he died that night.

GUILTY, Death.

Tried by the ſecond London Jury before Mr. Juſtice NARES.

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479. THOMAS SAMBRIDGE was indicted for feloniouſly ſtealing on the firſt day of July, 1782, one gelding of a black colour, price 15l. the property of John Tie.

JOHN TIE *ſworn.*

I live in the pariſh of St. Mary-le-bon, near the end of Paddington-ſtreet, I deal in ſtarch and hair powder; I loſt my black gelding in the year 1782, the priſoner had it of me; I had a farm at Northaw, and he had a country houſe there; he came to me and ſaid, Mr. Tie, I ſhould be obliged to you to lend me your little horſe for my clerk to ride to town on, I will take care of it; accordingly I lent it him, and I never received the horſe from him ſince, I have ſeen the horſe ſince.

Court. When did you ſee him again? —I ſuppoſe I might ſee him two or three times in the courſe of a month; it certainly was within the week, for he frequently uſed to come to my houſe almoſt every day when he was in the country.

Did you aſk him for your horſe?—— I did, and he ſaid he had not done with him, he would ſend him home; I ſaid, very well, only take care of him; ſome time after that he abſconded from the place, and there was a ſettlement of ſome money between us, he owed me ſome.

What did he abſcond for? — I do not know, I ſuppoſe it was for debt; but juſt before he went away, I met a gentleman upon the horſe, a perſon I had not lent the horſe to by any means; I aſked him how he came by the horſe? his name is Edward Bates; I told him it was my horſe: he ſaid that Mr. Sambridge had given him the horſe; I ſaid, I thought it was very odd he ſhould give away my horſe, I thought he uſed me very ill; I called on Mr. Bates, he ſaid, he would ſatisfy me; I called, and there were two or three people that ſatisfied me the horſe was given to Mr. Bates; I ſaid, I will be obliged to you to keep this horſe a little longer, till I ſee and ſettle with Mr. Sambridge, for at that time he had a cognovit againſt me; therefore I begged Mr. Bates to keep the horſe a day or two; them Mr. Bates gave me the horſe again; he run away, I found the horſe ſhut up, and I never ſaw him till about three weeks ago, when I was at Mr. Brown's ſale, in Hockley in the Hole, and I heard a man was ſtopped about a watch; they ſaid it was a little man, an attorney, and his name was Sambridge; ſays I, then that is the man that ſtole my horſe.

Court. Did the Magiſtrate commit him? —No he did not indeed; he was then in cuſtody; I told the Magiſtrates, and they laid a detainer; I went to the Grand Jury, and told them the caſe, and one of the Magiſtrates drew up a bill, and I carried it in; and I told the Grand Jury, I hoped they would not do him any hurt; I only ſay this, I never ſold the horſe to any man whatever.

Court. He certainly ought to anſwer for the horſe, beyond all doubt.

Proſecutor. I have the horſe now, I never will part with it.

Court. Gentlemen of the Jury, if Mr. Tie had brought an action of trover againſt Mr. Sambridge, and this evidence had had been given, it would have been very good evidence for him to have recovered the horſe.

NOT GUILTY.

Priſoner. I had the horſe nine months cloſe to Mr. Tie's houſe.

Court. It would have been as honeſt of you to have returned it.

Priſoner. I lent the proſecutor twenty guineas, and had only one guinea, this poney and one cow for my twenty guineas, I can

can have no intereſt now the Jury have acquitted me; I was detained in cuſtody merely through Mr. Tie.

Mr. Silveſter. I hope your Lordſhip will grant us a copy of the indictment.

Court. The proſecutor has miſtaken his road; but I do not think he has done it through any thing like oppreſſion.

Priſoner. My Lord, I can prove that, if it is neceſſary here.

Court. I ſhall not grant a copy of the indictment.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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480. WILLIAM ROBINSON was indicted for feloniouſly aſſaulting Mary Richards, ſpinſter, on the King's highway, on the 22d of March laſt, and putting her in fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one cloth cloak, value 2s. the property of Elizabeth Webb.

The witneſſes examined apart at the requeſt of the priſoner.

MARY RICHARDS *ſworn.*

I live in James-court, Old-ſtreet; I am a ſervant, I was robbed on the 22d of laſt month, about eight at night, in Old-ſtreet; I had been towards the church, and was coming home from there, and as I was coming along, that there man ſtood and catched me in his arms, and took my cloak, and put it under his arm and ran away, and I run and cried ſtop thief.

Did he ſpeak to you?—No.

Had he any thing in his hand?—Nothing that I ſaw.

How old are you?—Turned of fifteen; I never ſaw him before to my knowledge; I was near the lamps, it was moon-light, he was taken directly, he ran down White-croſs ſtreet, and was taken in that ſtreet; I [illegible] the gentleman's name that [illegible] here; I was juſt out of [illegible] taken; the conſtable has my cloak; it was the cloak of Elizabeth Webb.

JOSEPH HAWES *ſworn.*

I am the officer that took charge of the man; the cloak was then delivered to me; I did not take him.

THOMAS HUDSON *ſworn.*

I heard the cry of ſtop thief, I was walking up White-croſs-ſtreet, I croſſed the way, and the priſoner jumped right againſt me; I immediately ſtopped him, and juſt before I laid hold of him, I ſaw him drop the cloak.

(The cloak depoſed to.)

PRISONER's DEFENCE.

I had been after a place, and coming down Old-ſtreet I paſſed this young woman, ſeveral people were coming, I heard the cry of ſtop thief, and was ſtopped by the butcher; another gentlemen came up to the young woman, and ſays, here is your cloak.

Court. What are you?—I am a gentleman's ſervant; I believe I have people to ſpeak for me, they have been here three days.

The priſoner called one witneſs who gave him a very good character.

GUILTY

Of ſtealing, but not of putting in fear.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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481. MARY PILE *(the female highwayman)* was indicted for that ſhe, about the hour of five in the night, on the 22d of January laſt, being in the dwelling-houſe of William Webb, 29s. 6d. in monies numbered, the monies of Abraham Abbott, in the ſaid dwelling-houſe, feloniouſly

ously did steal, and being so as aforesaid in the dwelling-house, and having committed the said felony about the same hour, the said dwelling-house feloniously did break, to get out of the same.

ABRAHAM ABBOT *sworn.*

I lodge at the Plough, Mile-end.

Who keeps the Plough?——William Webb.

When did you lose your money?—The night of the 22d of January, a person slept with me, and in the morning when I arose, I missed my property out of the right-hand pocket of my breeches.

Who slept with you?—*It relates upon the person now at the bar.*

Who was it?—Mary Pile, so called; she was in bed before me, about an hour and half, or nearly two hours.

What did you lodge together?—Yes.

How long had you lodged together?——She only lodged with me that one night; in the course of the night she was up three times; first of all she pretended to be after the pot, and as such I handed it to her, she went to bed again, and in about two or three hours after she pretended to have drank rather too much; I used some *vile words*, I wanted to know the reason of being out of bed, as such the person got into bed again, I went to sleep; in the morning when I awoke, I found my door open, and my bed-fellow gone; I did not think I was robbed, for I always told Mrs. Webb, where I lodged, that if she was straitened for beds, she might put a decent person into my bed: I got up in the morning as usual, between eight and nine, I went to the pump, as I usually do, and washed myself, I put my hand into my pocket to shift my money as was usual, and it was gone; I went to look for my money, I came to Mrs. Webb, says I, pray what gentleman was that you put into my bed last night; she said he seemed to be a very good kind of a gentleman; still it passed on for half an hour or more; I took my pocket-book out of my pocket, and I had some papers of value to me and none to nobody else, but they were gone; I cannot say which way she went out of the house; but I am informed she got out and left the door open; I am sure I had the money when I went to bed.

Court. Does this woman that keeps your house put women into bed to you?—She did so; I told her she might put any gentleman that was decent.

This was not a gentleman, you know? That was not under my *discretion*, I did not know that.

How was she dressed?—Being in bed, I only passed by her, I took no notice at all of her clothes, I saw it was a person that seemed to be smartly dressed.

Was it the dress of a woman, or a man?——A man.

MARY HART *sworn.*

She came into our house about seven o'clock on Saturday night.

Who came?——The prisoner at the bar, in man's apparel, we thought it had been a young gentleman; she called for three pennyworth of rum and water, then she had a glass of shrub at the bar, and after that a pint of porter and some bread and cheese; mean time she asked me if she could sleep there; I said we had no bed; she said she came from Colchester; I told her we had only half a gentleman's bed; she said she should be glad if my mistress could let her sleep there, for she was going down into Kent; her father kept the Five Bells in Kent; so my mistress said she might sleep in this man's bed; she asked me which was the gentleman that was to sleep with her; I told her that gentleman that was walking to and fro, in the snuff-colour; she asked me his business; I said he belonged to the sea; she said was he a man of any property; I said I believed he was, he always behaved so; she said what time could I get up in the morning, I should like to start about four; I told her if she would lay till about six, I would call her: she got up as nigh as I can guess about five; I heard her go down, she went down stairs, and left the front door open,

open, and let herſelf out; I immediately got up and went down ſtairs, and the door was open, and ſhe was gone.

JAMES GLENTON *ſworn.*

I apprehended the priſoner from the deſcription I had, I found the priſoner, ſhe had been to enquire for lodgings at two different places, I found her at the blind beggar, at Bethnal green turnpike, laſt Saturday night, between ten and eleven; I found this black handkerchief in her pocket and this key, I ſearched her otherwiſe, and ſhe had no money that I could find, but ſixpence and ſome half pence.

PRISONER's DEFENCE.

I know nothing about it, I never ſaw the man till they took me up to the houſe.

Court to Mary Hart. Are you quite ſure this is the perſon?——Yes, Sir, very ſure.

Court to Abbott. What do you ſay?——I am ſure of my loſs, but as to the perſon, ſhe was in bed *in her ſhirt*, I do not know her perſon.

Hart. I took particular notice.

Jury to Abbott. Had you any connection with her?——I maintained the idea of her, as I would of a man, and naturally as ſhe got cloſe to me, I kept hitching further from her.

Court to Priſoner. Have you any perſon to appear for you?—No, my Lord.

What account do you give of yourſelf?——I put the clothes on the Saturday that they took me up, I was a little in liquor.

Where do you come from?—I belong to a place called Howe, in Kent.

Court to Conſtable. What is your place?——The hamlet of Mile End, Old Town.

Court to Priſoner. How came you into that quarter where you was taken?——I was a little in liquor, and ſo I went to bed there, I have nobody to give any account here, I ſent for no friends.

Hart. The door I found open, I faſtened them myſelf, with two bolts and a ſpring lock, I went to bed about half after ten, or nigh eleven; there is nobody in the houſe but our own people, nobody got up that morning I am ſure of that; I am ſure ſhe was the firſt that went out that morning.

Jury. Did ſhe agree to lay till ſix?——She aſked me whether ſhe could get out at four, I ſaid, I would call her at ſix; ſhe aſked me to ſhew her my door, and I did; ſhe never knocked at my door.

Did ſhe pay for what ſhe had over-night?—Yes, ſhe paid ſixpence for her bed.

GUILTY.

Of ſtealing, but not of breaking and entering.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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482. JOSEPH STORER was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Wallis, about the hour of two in the night, on the 26th of February laſt, and burglariouſly ſtealing therein, four ſilver ſaucepans, value 12l. one ſilver diſh, value 6l. a ſilver quart mug, value 4l. a ſilver waiter, value 3l. two ſilver tumblers, value 4l. two ſauce-boats, value 4l. 10s. three ſalts, value 40s. four ſalt ladles, value 6s. one ſoup ſpoon, value 25s. one gravy ſpoon, value 15s. one table ſpoon, value 10s. one ſilver ſkewer, value 10s. and one ſilver marrow ſcoop, value 10s. the property of the ſaid Thomas Wallis.

THOMAS WALLIS *ſworn.*

I live in Monkwell-ſtreet, on the 27th of February, my houſe was broke open, the houſe was ſecured in every part of it, the evening of the 26th; I make a practice of examining it myſelf; I went to bed about eleven, I am always laſt up, we have a light to the ſtair-caſe, and I ſaw through that window the next morning, that ſomething was the matter; I then went into the kitchen, and my ſervant told me I had been robbed; in the kitchen we have a

cloſet, which has a ſink and ciſtern in it, I perceived the lead light of that cloſet was taken out; I then went to the kitchen window and looked through it, and ſaw a ladder, like a lamp-lighters ladder, was left ſtanding on the duſt bin, which reached up to a window; the kitchen is up one pair of ſtairs, it was a lamp-lighter's ladder, it had not been there before; in looking further out of the kitchen window, I ſaw upon a little ledge, under the kitchen window, the iron bar laying which the light had been tied to; I then ſaw we had been robbed of a great quantity of plate, ſome of the plate ſtood upon a ſhelf in this cloſet, in the kitchen, it was kept for common uſe; and out of the dining room, a great many articles were loſt, and my ſervant told me there was a bit of candle and a glove left on the dreſſer in the kitchen; my maid gave me a glove, which, ſhe ſaid, was found in the kitchen the next morning after the robbery.

Court. Was any of your plate recovered?——None at all.

How did the ſuſpicion fall on the priſoner?——From the circumſtance of the robbery, it appeared that it muſt be done by ſome perſon well acquainted with the houſe; in the manner of getting into my next door neighbour's yard, as the readieſt acceſs to my yard; the priſoner was my apprentice, he ſerved ſeven years with me, he had been gone from me, and laſt ſummer I took him into my houſe to work for me, he left my ſervice about the 18th of December.

Court. State more particularly, but confining yourſelf to what you know of your own knowledge, what led you to ſuſpect the priſoner, and how the priſoner came to be taken up for the robbery?——I ſuſpected him for ſeveral reaſons, it appeared it muſt be done by ſomebody well acquainted with the houſe, for I had a very ſharp dog, and it muſt be ſomebody that knew the dog; upon that ſuſpicion I had him taken up.

Was he ſearched then?—Yes.

What was found upon him?——There was a right-hand glove found upon him in his pocket, which correſponded with the left hand glove that was found in my houſe; I ſaw the left hand glove in the kitchen, my maid ſervant gave it me.

When did ſhe give it you?——On Sunday.

Was any thing elſe found upon him that led to a ſuſpicion?—Nothing elſe.

What did he ſay for himſelf on his examination?—He denied all knowledge of the matter.

Mr. Garrow, Priſoner's Counſel. How long after was he apprehended?—On the Tueſday fortnight following.

In the intermediate ſpace of time, had you cauſed any body elſe to be apprehended for this offence?—Not to my knowledge.

Do you know a man of the name of Dean?—Yes, he worked journeyman with me at the ſame time.

Was Dean never taken up?——Not to my knowledge, I never heard it, nor of his being examined.

Had you a journeyman of the name of Bird?—Yes, he is not with me now.

What is become of Bird?——I really do not know, he is out of employ; I diſcharged him about that time.

Did not you diſcharge him from ſome ſuſpicion of his being concerned in this buſineſs?—No.

Had he any hand in procuring the priſoner to be apprehended?—Oh yes! I told him, and another man, that if they would apprehend him, I would give them five guineas.

Was you preſent when the glove was found?—Yes, I was at the office when it was found.

The Remainder of this Trial in the next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;
Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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MDCCLXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Joſeph Storer.

I believe you cauſed his mother's lodgings to be ſearched, his own lodgings, and the lodgings of a perſon of the name of Davis?—We did not ſearch her lodgings, I wiſh we had; we were not five minutes in her houſe, I went there with one of the perſons from the Public-office.

Have the gloves which were produced at Bow-ſtreet, been inſpected by any glover?—I do not know that they have.

Then you do not know that any body ſkilled in that branch of buſineſs, has ſaid, that they are the ſame leather?——No, I do not.

JANE MERRITT *ſworn.*

I am ſervant to Mr. Wallis, when I firſt came down in the morning, I found the door open, and the property gone from the ſhelf over the ſink, where the light was taken down, I obſerved there was a ladder, placed on the duſt bin, which would reach that window; on the ſide board there was more plate, and there laid a glove on the ſhelf, over the ſink, where that property was taken from, and a few matches; I gave the glove to my maſter, in the courſe of an hour, or an hour and a half, that was the ſame glove that I found, I am ſure.

How long was it before that, that you ſaw the priſoner?—I cannot tell.

Proſecutor. That glove has been in my poſſeſſion ever ſince.

WILLIAM MILTON *ſworn.*

I ſaw the priſoner taking obſervation of Mr. Wallis's houſe, I live at No. 9, in Monkwell-ſtreet, it was on Friday the 11th of March.

What did you ſee him do?——He put his head into the door, and went down to what they call Meeting-houſe-court, he came from Cripplegate way, and made a full ſtop at Mr. Wallis's; he looked into the paſſage, and went up Meeting-houſe-court; when he was up the court, he got up ſome ſteps, and pointed with his hand, over the back part of the veſtry part, and ſmiled to two men that were with him; then when they ſaw me, they all made believe to make water; in a quarter of an hour he was gone out of ſight, I went back immediately, I ſaw nobody come out, and on the Tueſday following he came in a hackney

hackney coach to Mr. Wallis's door, and I went down, and ſaw that was the ſame perſon that I ſaw; I reckon it to be about five or ſix o'clock in the evening, he got out of the coach, and went into Mr. Wallis's houſe, he was then taken up.

Jury. Pray what time was it, that you ſaw him go up Meeting-houſe-court?——Between five and ſix.

JOHN LARKIN *ſworn.*

On the 15th of March laſt, I was ſent for by the proſecutor, to take charge of the priſoner, and I took him up to Bow-ſtreet, and I ſearched him before the Magiſtrate, and I found in his right hand pocket a leather glove, and a letter which I was ordered to deliver to the Court, there was a pair of gloves, and a ſingle glove, they have been in my poſſeſſion ever ſince.

(The glove handed to the Court and Jury.)

Court. Is this glove the ſame that the maid delivered to you?—Yes.

Priſoner. I leave it entirely to my council.

Court to Proſecutor. Did you communicate your ſuſpicions to Bird, amongſt other people?—Yes.

You offered a reward of money, if he appprehended the priſoner?—Yes.

Was it to be paid on producing the perſon of the priſoner?—I paid him the money immediately.

Had there been any diſagreement between Bird and the priſoner?——There might, for what I know.

Have you any reaſon to believe that there was, or that there was not?—I did not believe that there was.

Have you ever heard him ſpeak of the priſoner, in terms of diſlike or ſuſpicion, I do not aſk what he ſaid, but generally?—I do not recollect.

What ſort of a man is Bird, as to his general character?—I looked upon him to be an honeſt ſober man.

What did you part with him for?——I had no ſuſpicion of his diſhoneſty.

What family has he?—I believe he is a ſingle man.

The priſoner called three witneſſes who all gave him a very good character.

Court to Priſoner. Can you give me any account of this odd glove, that was found in your pocket?—I found that odd glove.

Court to Proſecutor. How could they get to the wall of your yard?——By croſſing one yard from the meeting houſe veſtry, which is pretty high, he could get upon the veſtry without a ladder.

Merritt. I was in the cloſet the night before, there was no glove there the night before, that I am ſure of.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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483. JAMES BOSTON (a black) was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of James Danvers, about the hour of eight in the night, on the 5th of March laſt, and burglariouſly ſtealing therein, thirty pounds weight of indigo, value 5l. his property.

(The witneſſes examined apart.)

JAMES DANVERS *ſworn.*

On Saturday the 5th of March, I went to the next houſe about ſix, all was ſafe then, then about a quarter before eight, I heard my own bell ring, and I ſaw the ſervant come into the houſe, I looked out at a neighbour's window, and preſently after I ſaw the priſoner in my parlour, he then made a motion to the maid; there was a candle in the room, I ſaw him then get out of my parlour window into my yard, my neighbour's window looks into my yard, and the parlour windows look into the yard, and not into the ſtreet; I ſaw the maid take away the candle; he then went into the yard, and wrenched the flap of a cellar window

window open, in which was the indigo that he ſtole; he was in the cellar for near three quarters of an hour, I ſaw him come out of the cellar afterwards, with a bundle in his hand; he went out of the yard into the parlour again, and went out of the ſtreet door; I heard him put the flap down, he ſtepped in at the parlour window, he was taken that night with the property upon him, he was taken in the ſtreet, in St. Mary Axe, immediately after; he had thirty-ſix pounds weight of indigo, and a bag, and a handkerchief, and his apron, and one thing or another; there is a drawing iron, which I found, and I ſaw the mark of the drawing iron, it is like a hammer at the end.

Mr. Garrow, Priſoner's Council. So you went out to give this poor black fellow, an opportunity of coming in?—Yes.

You underſtood he was coming to commit felony?—No Sir, I did not underſtand any ſuch thing.

For what purpoſe did you underſtand he was to come?—I underſtood he was to come to fetch a bundle.

Was not the bundle your property?——I could not tell, I was told by the maid ſervant, that it was a bundle, and it would not hurt me, nor any body about me.

Why did you watch him?——Becauſe I had loſt ſeveral things.

Was not the maid directed to let him in if he ſhould come?—She was.

In order that you might watch him, and that you might ſee him commit the felony, is that ſo Maſter Danvers, nay out with it man?—Yes, Sir, ſo it was.

So this poor black fellow was to take this bundle, and his maſter to look on for three quarters of an hour, is that what you mean to ſtate to the Jury?—It is.

Much to your honour Mr. Danvers! now, Mr. Danvers, how near is this window that you was looking out at?—As near as I am to Mr. Under-Sheriff.

Did you call out to the man that you ſaw endangering his life?—No.

Did not you call and deſire him to ſtop?—No.

Did not you tell him he would be hanged?—No.

You looked on, is not that you conſent?—Yes.

How long has this Jezebel of yours lived with you?——I ſuppoſe ſhe has lived with me ſix months.

The man has nothing to do in the houſe of a night?—No Sir, nothing at all.

If ſhe had not let him in he could not have come there?—No.

If ſhe had not taken the light out of the parlour, and left him to his free will, he could not have done it?—Certainly not.

And all that ſhe did by your direction, before you went out?—Yes.

And you went out to leave the coaſt clear?—I did.

We may aſk after this, whether we live in a Chriſtian land! what are you?——A warehouſe-keeper.

Has this cellar any communication with your dwelling houſe?—Yes.

How?—You cannot go into the warehouſe without you go into the dwelling houſe, unleſs it is in the day time; there is a gate in the day time.

When you are in the dwelling houſe can you get into the cellar without going out into the yard?——No.

Does anybody live in the cellar?—No.

Court. Then there is an end of the burglary.

Court. Is the cellar under the ſame roof as your houſe?—Upon my word I do not know.

Do you give that anſwer upon your oath?——It is, it is, I believe.

Do you venture to ſwear it is? Yes, I think it is.

Do you ſwear poſitively the cellar is under the ſame roof as the houſe?

Mr. Garrow. Now I intreat your lordſhip not to let him go out of court till I call witneſſes to contradict him.

Proſecutor. I do not know what you mean by the ſame roof.

Court. Why it is very intelligible; explain your difficulty why you do not underſtand what I mean, when every body elſe

ſe underſtands?—I would not willingly my Lord, ſay any thing that is wrong.

Court. I cannot tell that, we ſhall judge of that?—There is a wall runs between part of the houſe.

I aſk you once more, is your cellar under the ſame roof as your houſe?——Upon my word I do not know whether it is or not rightly.

How long have you lived in the houſe?—Three years.

Let me inform you of this, that a witneſs may commit a perjury in ſwearing they do not know that which they do and muſt know, as well as in ſwearing they do know what they do not, and may be convicted of that?——I do not know what to anſwer.

Anſwer the truth, Sir?—I would wiſh to anſwer the truth.

And the ſooner you anſwer it the more it will be for your credit.

Mr. Garrow. Stand up Mr. Danvers, let us ſee you, I inſiſt upon it.

Court. I aſk you once more, whether this building in which your cellar is, is or is not under the ſame roof with your dwelling-houſe?—I believe it is not, I am not certain, becauſe I do not know; the roof of the warehouſes are higher than the roof of the houſe, they are not all one roof, the roof of one touches the wall of the yard.

How came you poſitively to ſwear it was under the ſame roof?——Becauſe I thought it was, before I recollected.

Mr. Garrow. He has ſaid he has lived there three years, has not he lived there twenty years?—I was there with my father many years, but I have had the warehouſe three years.

ANN STOCKWELL *ſworn.*

The firſt time the priſoner ſaid anything to me, he ſaid, Mrs. Stockwell, do you think fifteen or ſixteen ſhillings will hurt you; no, ſays I, not a guinea neither, but what do you mean; then ſays he, keep a ſtill tongue in your head, I will often put five or ſix ſhillings in your hand; he ſaid ſomething to that purpoſe, keep a ſtill tongue in your head, or be private; he ſaid no more to me till the 4th of March; then I went to the yard, on the 1ſt of March, and I told this converſation to my maſter; then the priſoner ſaid to me on the 4th of March, where is your maſter? I told him in the warehouſe; and he ſaid he had a parcel down there, that he wanted to take away, and could not get it away; he ſaid he would take it away in a minute; I deſired him not to take it away then, as I expected my maſter in; I ſaid, James do not take it away, he ſaid the people over the way could ſee him; the pot-boy came in, and ended all diſputes; but I ſhould have told you, he ſaid he would give me half a guinea, if I would let him in as the morrow night, the 5th of March; he was not a yearly ſervant; he ſaid, when all the family were gone to Bethnal-green, he would be ſure to come, about eight; on the 5th of March he came to light a candle, and he ſaid I will give you half a guinea, do you think they will be ſafe; moſt likely they will, ſays I, James; he put his hand into his pocket, and offered me the money, that was about the time the candles were lighted up, near to ſeven, he ſaid about eight they would be ſafe; I told my maſter this: he held up his finger, and ſaid, my dear, you do not deceive me, do you? I ſaid no, James; he ſaid, is he in the houſe? I ſaid no; ſays he, I am affraid of nothing but theſe windows, and I went and held up the candle, and my maſter, and other witneſſes ſaw him in the parlour; ſays he, go up ſtairs and ſtay till you hear the door bang, then come down and chain the door; he was in the yard near an hour, then he came up and called Nanny; I heard ſomething drop, I took a bit of indigo, I picked it up and gave it to him, and he dropped it again, and I took it up again? I told my maſter of this, and he gave me orders to let him in.

Did you or your maſter go down to the cellar to ſee what this bundle was?——I told my maſter, and he ſaid it was impoſſible to find it, there were ſo many things

Mr. Garrow. So you gave this poor fellow reason to believe that you had no objection to his taking anything belonging to your master?——No I did not, I told him the family would be all out.

Then when the poor fellow was just in and said now my dear, do not deceive me, you then coaxed him in?—No I did not.

But you told him *no James*, and that I should think from a pretty white woman would operate as coaxing, to a black man?—I should think not.

What was the prisoner to do?—Whatever he pleased.

What did you think he was to do;——I thought he came upon dishonest terms.

Then your master knew this?—He said it would not hurt my master, or anybody else.

Did you suppose it was something of the poor fellow's own, or something of his master's?——I did not know what it was, there is other peoples property in the warehouse.

Did you suppose it was something intrusted to your master's care?—I did.

So you represented to your master?——Yes.

And your master's directions were to let him in, and he would watch him?—Yes, I held the candle up that he might see him, I did not see what he did, I went up stairs as he bid me.

Is your master a single man?—No, Sir, he is father of many children.

Court. The yard lays between your master's house and the cellar?——The warehouse joins to the cellar, there is a wall that parts the dwelling house.

Is there any room from the dwelling house to the warehouse?——None that I know of, the way into it is another way.

JOHN CLARK *sworn.*

The Friday night that Mr. Danvers mentioned this circumstance to me, I watched in the street, I saw the prisoner go into Mr. Danvers's street door, and I saw him come out in about three quarters of an hour, I took him, he had a quantity of indigo, which was in this bag; I watched by Mr. Danvers's desire; the indigo was in his shirt, his breeches, and his coat pockets, and some in a handkerchief, it is the same indigo, I have had it in my possession ever since.

WILLIAM SARGESSON *sworn.*

Deposed to the same effect as the last witness.

(The indigo opened.)

Mr. Danvers, I cannot see it by this light, but I knew it before my Lord Mayor.

Are yours the only warehouses for indigo?—No Sir, but in that place there are no warehouses but what I have the key of.

ELIZABETH ANDREWS *sworn.*

I live in St. Mary-Axe, the next door but one, our windows look into the prosecutor's yard; on the 5th of March the prisoner came down the yard; he was so much loaded he was obliged to rest his bundle on the sill of the window.

Mr. Garrow. My Lord, I have a few observations to offer, by which I trust to convince your Lordship that there has been no felony committed by this prisoner; as to the burglary; your Lordship has delivered me from that, and the crime must be therefore that of larceny. The books lay down this principle, that it must be a fraudulent or felonious taking and carrying away by any person of the goods of another; when they say that there shall be a fraudulent or felonious taking, it is to be observed, that all felony includes a trespass: if the party be guilty of no trespass in taking the goods, he cannot be guilty of a felony in carrying them away: I take the liberty in order to apply the law to this case, shortly to state the law; this man does not against the will of the proprietor break into the premises, he does not commit any trespass whatever; but by the express direction and permission, and by the planning of the prosecutor,

ſecutor, he has compleat dominion of the goods. I am diſpoſed in this part of the caſe, to admit, without riſk, that the Jury muſt find that he carried away the indigo; but, if I have laid down the principle of the law right, the felony cannot have been committed? has there been a treſpaſs? how has that treſpaſs been committed? this proſecutor planning in this manner with this woman, has acted a very ſtrange part, to ſay no more of it: they watch him, they do not appriſe him, they do not tell him he ſhall be hanged, but they ſuffer him to compleat the offence by carrying away the goods. There is a caſe, namely, that of Macdaniel and others, argued upon a ſpecial verdict by all the Judges, which is preciſely this caſe: that Salmon one of the parties to the confederacy, went out upon the Deptford road, and it was contrived by theſe parties that Salmon ſhould be robbed by one of the parties for the reward: Salmon was robbed by one of the parties, the queſtion was this, whether there could be a felony in taking from the perſon of Salmon his property, becauſe it was manifeſt that it could not be againſt the will of Salmon that it was taken away, becauſe he (though not as between him and the robber, but as between him and others) had previouſly agreed that he ſhould be robbed of his property: the Judges held, and they held wiſely, and they held ſoundly, that no felony could be committed againſt the property of a man in ſuch circumſtances, becauſe it is ridiculous to common ſenſe, to ſay that any thing is taken in violence: Now what in God's name, and the name of common ſenſe, doth this differ from Mr. Danvers's caſe? I may take Mrs. Stockwell into the confederacy; for what purpoſe was this? not for the purpoſe of the reward to be ſure, but for ſome other purpoſe, theſe two parties have planned, that in a particular way, and by a particular mode, this man ſhould be let into the poſſeſſion of the property of Mr. Danvers, and he carries away: Can you ſay that there was a felonious taking againſt the will of the proprietor, he not only aſſenting to it, but ordering the man to be let in? as to the priſoner Salmon, there was a queſtion there, whether he himſelf might not be guilty of the taking his own goods, and they were of opinion that that priſoner could not be guilty of that indictment, and on the other hand, if he did part with his money and goods in conſequence of that agreement, it cannot be ſaid that in legal conſtruction he was robbed at all, ſince it is of the eſſence of a robbery and larceny, that the goods ſhould be taken againſt the will of the owner: now my Lord, only permit me to conclude with ſaying, is your Lordſhip founded in this caſe to ſay, that the goods were taken againſt the will of the owner, Mr. Danvers?

Court to Ann Stockwell. The priſoner did not inform you what it was he was to take away?——No, he did not, he ſaid, it was ſomething that would not hurt my maſter or any body elſe, that he wanted to take it away, and he had had it along while.

You told your maſter exactly the converſation?—Yes.

How did he get into the cellar?——I do not know, there was a piece of the flap broke off.

Proſecutor. There was this drawing iron, the flap was faſtened by two bolts, I believe one of the men faſtened it when I ſtood by.

Did you direct it to be any way differently faſtened from what it was?—No, Sir, I did not know till then, that he could get in there, he put this iron in between the kirb and the flap, and ſo puſhed it into the cellar, it was laid on the floor.

When you heard that this man was to come for a bundle, why did not you look in the cellar to ſee if there was a bundle?——I did look in ſeveral of the warehouſes, but I ſaw no bundle, but the warehouſes are ſo large: I thought he might have ſecreted it in ſome hiding hole under the ſtairs, ſhe did not tell me where the bundle was, I did not know it was down in the cellar.

Court to Mr. Garrow. I have looked at the caſe you mentioned: I ſhall in this caſe leave

leave it to the Jury, whether upon the evidence they are of opinion that this indigo was taken by the will of Mr. Danvers or not, directing them if they think it was by his will to acquit the priſoner: becauſe it does not appear that Mr. Danvers had any diſtinct knowledge, what ſort of fact was to be committed, but he waited to ſee the event what he ſhould take; therefore, I think it remains in that degree of uncertainty; I think it is fit it ſhould go to the Jury.

Mr. Garrow. My Lord, I am very willing the caſe ſhould be left to any Jury, I have a great number of witneſſes to this poor fellow's character.

JOHN WILTSHIRE *ſworn.*

I live at College-hill, I am a carpenter; the priſoner has lodged in my houſe three years and a quarter, he had a very great character as ever I heard, and he always behaved well in my apartment; I have entruſted him with the key of my houſe, he never kept bad hours.

The priſoner called ſix more witneſſes, all of whom gave him an exceeding good character for induſtry, civility, ſobriety, and honeſty, one of them had known him fifteen years.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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484. WILLIAM otherwiſe THOMAS ROBERTS was indicted for feloniouſly ſtealing, on the 4th day of April, one linen tea cloth, value 5s. the property of James Dawſon, Eſq;

The priſoner was ſeen taking the cloth.

GUILTY.

Whipped.

Tried by the ſecond London Jury before Mr. RECORDER.

485. MARY LANGFORD was indicted for feloniouſly ſtealing, on the 24th day of March laſt, two linen ſhirts, value 2s. one handkerchief, value 1s. and one man's linen jacket, value 2s. the property of Joſeph Maw.

The priſoner was taken coming out of the houſe with the things in her apron.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. RECORDER.

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486. JOHN MOONEY was indicted for feloniouſly ſtealing, on the 28th day of March laſt, thirty-two pounds weight of ſoap, value 12s. and one wooden tub, value 4d. the property of Francis Jones the elder.

GUILTY

Whipped, and confined ſix months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. RECORDER.

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487. MARY SIMMS was indicted for feloniouſly ſtealing, on the 2d day of March, one pewter pint pot, value 8d. the property of Samuel Price.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. RECORDER.

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488. WILLIAM EDWARDS was indicted for feloniouſly ſtealing, on the 1ſt day

on of March last, four quart pewter pots, value 5s. the property of Robert Towers.

NOT GUILTY.

Tried by the second London Jury before Mr. RECORDER.

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489. MARY M'DERMOT was indicted for feloniously stealing, on the 8th day of March last, one pewter quart pot, value 1s. the property of Henry Wells.

GUILTY.

To be privately whipped, and confined six months in the House of Correction.

Tried by the second London Jury before Mr. RECORDER.

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490. ROBERT MAXFIELD was indicted for feloniously stealing, on the 15th day of March last, three pewter pint pots, value 3s. the property of George Smith.

GUILTY.

Whipped.

Tried by the second London Jury before Mr. RECORDER.

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491. JOHN LESBY was indicted for feloniously stealing, on the 17th day of March last, two pair of iron hooks, called can hooks, value 5s. and two pieces of hempen rope, value 1s. the property of James Pearce and others.

GUILTY.

Whipped.

Tried by the second London Jury before Mr. Justice NARES.

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492. GEORGE COUSINS was led to the bar, when the Clerk of the Arraigns read as follows:—Middlesex, to wit. Wednesday the 6th day of April, before the Right Honourable Richard Clark, Lord Mayor of the City of London, &c. &c. Richard Akerman, Gentleman, keeper of his Majesty's gaol of Newgate, brings into the Court here the body of George Cousins, and whereas the said George Cousins hath voluntarily confessed, he is the man known by the name of George, otherwise Teapot, who, by the suggestion of the Attorney General, on the 18th of January, in the 22d year of his present Majesty's reign, at the parish of Bingwood, was in due manner charged before Henry Compton, Esq. then one of the Justices, by the information of six credible persons on oath, that he and several other persons, being armed with offensive weapons, were assembled together at Burley, to rescue, and were aiding and assisting in rescuing, and taking away unaccustomed goods; that it was returned to Lord Sidney, who did, on the 14th of February following, lay the same before his Majesty in his Privy Council, and his Majesty did thereupon order inquire, and command you the said George Cousins, therein called a person known by the name of Teapot, to surrender yourself within forty days, whereupon the said Attorney General prays that the said Court here would proceed to award execution against him the said George Cousins, according to the directions of the said statute.

Court to Prisoner. Do you understand what was read to you, Cousins?

Prisoner. No, my Lord.

Court. I will tell you in a few words what it is, you are charged with being the person, against whom information was laid before Mr. Compton, a Justice of the peace, by six persons, by the name of George, otherwise Teapot, for being present, aiding, and assisting, in the rescue of unaccustomed goods, and that information was afterwards certified to the secretary of state, and was by him laid before his Majesty in Council, and thereupon an order of

Council was made and duly publiſhed, and proclamation had, requiring you, by the name of George, otherwiſe Teapot, labourer, to ſurrender yourſelf within a certain time, in order that you might be tried for that offence, and you have not ſurrendered yourſelf accordingly, and that therefore you ſtand attainted of felony: therefore the queſtion is, whether you do or do not admit, that you are the perſon deſcribed in that information, and in that order of Council, and whether you do or do not controvert the truth, of there having been ſuch an information made, and that information having been certified, and ſuch an order of Council obtained againſt you, and whether you can ſhew that you have ſurrendered.

Priſoner. I am the perſon they take me to be, but I was not there, I have not ſurrendered.

Mr. Shelton. Do you deny the ſeveral facts ſtated in the ſuggeſtion?

Priſoner. Yes.

Mr. Silveſter. Take notice that you are to be tried next ſeſſion.

Court. That you may not be deceived, I think it right to apprize you, that when you come to be tried on this ſuggeſtion, the queſtion will not be whether you was there, but the only queſtion will be, whether you are the perſon known by the name of George, otherwiſe Teapot, labourer, and whether they did inform againſt you, and make ſuch order againſt you in the Privy Council; therefore you muſt not go away with a notion, that you are to be tried on this ſuggeſtion, or for having been there at the time, for that is not the queſtion.

The priſoner then withdrew.

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493. WILLIAM HOLMES was indicted for feloniouſly ſtealing, on the 7th day of April laſt, one quart pewter pot, value 2s. the property of Mary Bates.

And CORNELIUS BANFIELD was indicted for feloniouſly receiving the ſame, knowing it to have been ſtolen.

The priſoner *Holmes* came into the houſe, and went away ſoon after, and they miſſed their pot, he confeſſed taking the pot, but there was no evidence againſt *Banfield* for receiving.

WILLIAM HOLMES, GUILTY.

To be privately whipped.

CORNELIUS BANFIELD, NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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494. JAMES PENNELL was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Fielder and Thomas Burton, between the hours of eight and nine in the night, on the firſt day of April laſt, and burglariouſly ſtealing therein, one piece of blue and white ſtriped ſilk ribbon, of the length of fourteen yards and an half, value 10s. 6d. the property of the ſaid Joſeph and Thomas.

JOSEPH FIELDER *ſworn.*

I live at Temple Bar, I am a haberdaſher, and partner with Thomas Burton; on the 1ſt of April, between eight and nine in the evening, I was alarmed by the ribbon being drawn through the hole made in the frame of the window, to faſten the ſhutter: there was room to put through an inſtrument, the ribbon was afterwards found on the priſoner, upon this roller, by one John Hobbs.

(The ribbon produced and depoſed to.)

JOHN HOBBS *ſworn.*

I was going up Fleet ſtreet, on the 1ſt of April, and I ſaw the priſoner doing ſomething at Mr. Fielder's window, and he had got part of the ribbon out of the window, wound round his hand, the other part was in the window; he directly ran off as hard as he could, and the reſt of it followed him through the window, I ſuppoſe as much

much as five or ſix yards; I ſaid to him where are you going with the ribbon, ſays he, God bleſs me, maſter, a boy gave me the ribbon, you may have it, I do not want it; I took him back to the ſhop.

Mr. Garrow, Priſoner's Council. Deſcribe how this hole was?——There is a hole in the frame of the window, through which a ſcrew goes every evening, and the ribbon was put againſt this hole, and there was ſome paper in every hole, to prevent any thing going through; the paper was puſhed out, and the ribbons drawn through the hole.

Is it your uſual practice to put paper to prevent any thing being drawn through?—Yes.

Do you happen to know if it was ſo filled that night, did you ſee it ſo filled?—I will not pretend to ſay for that night, but I in general put in the paper myſelf.

PRISONER's DEFENCE.

I picked up the ribbon.

Court. What are you?—I live at home with my father, I am nineteen.

What is he?—A broker.

The priſoner called ſix witneſſes who gave him a very good character.

Court to Jury. The breaking is not proved, as it is not proved that this hole was actually ſtopped at that time.

GUILTY

Of ſtealing, but not of the burglary.

He was recommended by the Jury, on account of his youth; and one of his witneſſes offering to take him home, and ſee him put into employ; he was ordered to be privately whipped and diſcharged.

Tried by the firſt London Jury before Mr. Juſtice NARES.

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394. GEORGE MORLEY was indicted for eſcaping from the hulks on the 28th day of June 1783

WILLIAM GREGG *ſworn.*

I have known the priſoner four years, I knew him on board the Juſtitia, he eſcaped the firſt time; I knew him there the ſecond time, he eſcaped the ſecond time, the 28th of June 1783.

JOHN FLETCHER *ſworn.*

I took charge of the priſoner, I ſaw him in the counter.

Court. Is there any body that ſaw him at large?—None here.

Are you ſure that was the man that was delivered to you?—Yes.

(The record of his former conviction read and examined by the Court.)

Priſoner. I cannot diſown the charge of being guilty, the reaſon of my making my eſcape, was the ill treatment I received after my firſt eſcape.

Court. What ill uſuage did you receive?——I was run over acroſs my loins, I am lame, I was always ſtruck without a cauſe, when I tried to do the utmoſt of my endeavour, and I hope the merciful Jury will take it into conſideration, and ſend me to any other place: the allowance is but two pints of barley water, from three in the morning, till ſix in the afternoon, and there is half a brown loaf, and half an ox cheek for ſix hearty young men, and the ballaſt that I heaved up, weighs a ton weight, and is fit for a horſe to do, and I am entirely a cripple now, and an object; I have twenty people to prove that there are a pair of irons for me to wear, and nobody elſe, and the expreſſion came from Mr. Marſhall's maid, that I ſhould not live a month when I returned; if I had money I could ſend for the people.

Court. If you had any complaint to make for being ill treated, there is a regular courſe for you to take, it is no excuſe for eſcaping.

GUILTY, Death.

Tried by the firſt London Jury before Mr. Juſtice. NARES.

496. JAMES CLARK otherwise HOSIER was indicted for feloniously ſtealing, on the 18th day of March, laſt, one ſilver watch, value 40s. one ſteel watch chain, value 5s. one ſeal, value 2s. one other ſeal, value 2s. the property of John Meredith.

JOHN MEREDITH *ſworn.*

On Tueſday the 8th of March, I loſt a ſilver watch; I was going from College-hill to the London tavern, where I live, between nine and ten going paſt the Manſion-houſe-gate I ſaw a number of people at the gate, I could not croſs for carriages; a chair was coming the oppoſite way, I let it come by me, and I perceived two men coming paſt the chair, I thought they were going on the ſame way that the chair was; and when they came oppoſite me they ſtopped, and ſtood both up before me; they ſtopped, and I endeavoured to go on; they went before me, and I could not paſs them; ſome ſtoppage enſued, and there was a pulling and jolting about, and in that time I found my watch jerking two or three times in my fob, and the inſtant I put my hand towards my fob, I ſeized the priſoner by the arm, and I ſaw my watch chain hanging from his hand.

Where was his hand?—His hand was very near to me, very near my fob, he had got my watch out; I immediately ſeized him by the collar, I gave the alarm of pick-pocket and thief; then the priſoner ſaid, he is going to rob me, he is going to rob me of ſomething of that ſort; and two or three people got between me and the priſoner, to wrench my hand away from his collar; I was ſtruck upon the face, and bit upon the left ſhoulder by ſomebody, I cannot ſay who; the mark was there for a fortnight afterwards; at that interval I loſt my hat, and likewiſe my pocket handkerchief; I ſecured the priſoner, I never looſed him till he was taken into cuſtody.

Jury. Did you ſee enough of the chain and ſeals to be ſure it was your watch?—I am ſure of it.

WILLIAM FORSYTH *ſworn.*

I was within nine or ten yards of the priſoner; I ſaw the proſecutor have hold of him, and I took him into the Manſion-houſe, before Mr. Muller the City Marſhal, who found a watch upon him, but not the proſecutor's, he was taken to the Compter.

WILLIAM GOFF *ſworn.*

I alſo helped to ſecure the priſoner.

Court to Forſyth. Had the watch that was found on him a chain to it?—I think it had a ribbon or ſtring, I cannot ſay which.

WILLIAM MILLER *ſworn.*

I had this watch delivered to me, it had a yellow ſtring, with two gold ſeals, one remarkable ſmall one, and a very beautiful curious ſeal.

(The watch produced.)

Priſoner. I was wounded in the action of Inigo Jones, here is a penſion ſigned by the Lord Mayor; I brought home above one hundred pounds, and went into partnerſhip with my ſiſter; I have been in town five years.

The priſoner called five witneſſes to his character, two of whom ſaid he lodged in Grub-ſtreet with his wife, and was in partnerſhip with his ſiſter at Chatham.

Mr. Miller. When I aſked him for an account of himſelf, he told me he was a journeyman to Mr. Wright, a butcher, in St. James's market, and had been ſo a long time.

Priſoner. I ſaid I ſerved my time there.

GUILTY.

Tranſported to Africa for ſeven years.

Tried by the firſt London Jury before Mr. Juſtice NARES.

497. THOMAS BROWN was indicted for feloniouſly returning from tranſportation,

portation, and being at large on the 14th of March laſt, before the expiration of the term of ſeven years, without any lawful cauſe, againſt the ſtatute.

Mr. Garrow Counſel for the Proſecution opened the caſe.

Mr. Silveſter Counſel for the Priſoner objected to his being tried now, having been tried for the ſame offence at a late ſeſſion, and acquitted.

The Court obſerved that he muſt of courſe remain after acquittal under his original ſentence of tranſportation, which ought to have taken place.

The record of the priſoner's trial and conviction read by Thomas Shelton, Eſq; clerk of the arraigns, and examined by Mr. Silveſter.

THOMAS FLETCHER *ſworn.*

I am one of the headboroughs of St. Paul's, Shadwell; I apprehended the priſoner, he was tried in Court and acquitted, on promiſe of going abroad immediately.

Mr. Silveſter. You know the reward? —Yes.

JAMES IVES *ſworn.*

I know the priſoner, I did not poſitively know him before the 14th of March laſt, I then ſaw him at large in St. Saviour's pariſh.

MARMADUKE GUEST *ſworn.*

I am one of the officers, I never ſaw the priſoner before I found him at large in St. Saviour's pariſh.

JOHN OWEN *ſworn.*

I am ſervant to Mr. Akerman, I know the priſoner, I knew him in June, 1783, he was tried here for ſtealing a great coat, the property of one Sewell, and received ſentence of tranſportation.

Was he delivered to be tranſported, purſuant to his ſentence?—Yes.

What ſhip was he put on board of?—— I believe he was delivered on board the Swift, under Mr. Moore.

Are you ſure that was the man that was tried here?——Yes.

Mr. Silveſter. You are one of Mr. Akerman's ſervants, I take it?—Yes.

You have a great number of men there? ——Yes.

Is there any thing particular to make you remember this man more than anybody elſe?—No more than having him under my care.

What did that man tell you that fetched you in to-day?—He told me I was wanted; when I deliver anybody on board of ſhip, I always make a remark.

(Looks at a book.)

Do you know every man that has been in your cuſtody?——I know beſt part of them.

Did you go with all of them on board? ——I did.

How many were there?—Eighty ſeven.

Should you know every man of that eighty-ſeven?——I believe I have pretty well told the beſt part of them.

You remember this man being tried for this matter laſt December ſeſſions?—Yes.

And the Jury acquitted him?—Yes.

Court to Priſoner. Why are you found at large, after the warning you have had?— I applied to go to ſea immediately, I applied to one Mr. Blackerar, who was to get me a ſhip to go to ſea.

Mr. BLAKERAR *ſworn.*

The priſoner applied to me to get him a birth to go to the Eaſt-Indies; he applied to me through one Chambers that works for me; I have a great many acquaintance, particularly one Mr. Wright, and he would have got a birth, if the ſhip's huſband had not in a very unprecedented manner appointed another perſon as a butcher: Mr. Wright is not here now, he

was here on Friday, and was obliged to go to Gravesend.

GUILTY, Death.

He was humbly recommended to mercy by the Jury.

Court. Add my recommendation to it.

Tried by the second London Jury before Mr. Baron EYRE.

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498. JOHN HENRY PALMER and MARY JONES were indicted for that they, on the 1st day of July, in the 23d year of his present Majesty's reign, at the Inner Temple, in London, falsly and feloniously did make, forge, counterfeit, and cause and procure to be made, forged, and counterfeited, and willingly aid and assist in the false making, forging, and counterfeiting a certain deed, with the name Richard Bulkeley and Edward Jones thereto subscribed, purporting to be an indenture of apprenticeship from Edward Jones, aged fourteen years, son of Roderick Jones, clerk, deceased, dated 23d June, 1783, for the term of seven years, with intention to defraud James Cecil, Earl of Salisbury, Samuel Lord Bishop of Gloucester, Nathaniel Newnham, Esq; Alexander Hood, Esq; Richard Cust, Doctor in Divinity, ——— Dampier, Doctor in Divinity, then being the stewards of the feast of the sons of the clergy, against the statute.

A second Count, For uttering and publishing the same knowing it to be forged, with the like intention.

A third Count, For forging and counterfeiting the same deed with intention to defraud the said Nathaniel Newnham.

A fourth Count, For uttering the same with the like intention.

A fifth Count, For forging the same with intention to defraud the said Alexander Hood.

A sixth Count, For uttering the same with the like intention.

A seventh Count, For forging the same with intention to defraud John Bacon.

An eighth Count, For uttering the same with the like intention.

A ninth Count, For that they having in their custody the said deed, did falsely make, forge and counterfeit upon the back of the said deed, a certain receipt for money, with the name Richard Bulkeley thereto subscribed, purporting to be a receipt from the said Nathaniel Newnham, then secretary of the said stewards of the feast of the sons of the clergy, for the sum of twenty pounds, being the consideration money mentioned in the said deed, and witnessed by Thomas Lloyd and Samuel Morgan, with intention to defraud the said stewards.

A tenth Count, For uttering the same knowing it to be forged with the like intention.

An eleventh Count, For forging said receipt with intent to defraud Nathaniel Newnham.

A twelfth Count, For uttering the same with the like intention.

A thirteenth Count, For forging the said receipt with intent to defraud the said Alexander Hood.

A fourteenth Count, For uttering the same with the like intention.

A fifteenth Count, For forging the said receipt with intent to defraud the said John Bacon.

A sixteenth Count, For uttering the same with the like intention, against the statute.

(The case opened by Mr. Silvester.)

Mr. Knowles Counsel for the Prisoner Palmer.

Mr. Fielding Counsel for the Prisoner Jones.

WILLIAM SHRIGLEY *sworn.*

Mr. Silvester. What are you?—I am clerk of the first fruits office; this is an indenture of apprenticeship; it was presented at the office, either by Mrs. Jones, or Mr. Palmer; they came together sometime the last day of June, or the beginning of July, I cannot tell the time of the day.

Did

Did you ſee them?——Yes.

Did they apply to you?——Yes.

What was their buſineſs?—To preſent theſe indentures, I ſuppoſe.

Did they preſent theſe indentures?——They did, I know nothing further, this is at the back of the indenture as I received it, I do not know whether they received the money.

Do not you know who received it?——I do not.

Do not you know what was done in conſequence of that?—I do not know, I only know that they preſented it; after they are paid, Mr. Bacon takes them and gives a draft on his banker.

Do you know whether that was done in this caſe?—It certainly was done but I cannot ſay to whom.

Do they leave it without the money?—Sometimes they do, and ſometimes they do not.

Court. Did they come together always?—They generally did, they came two or three times, I cannot ſay the day they came.

Look at that draft, perhaps you can tell whether that draft was given, when that was brought?—No, I cannot, it is Mr. Bacon's hand writing.

Court. What was their buſineſs at the office?—Mrs. Jones came firſt alone with a petition, ſhe repreſented her caſe to Mr. Bacon in my hearing, to obtain one of the ſtewards ſignatures, for a certain ſum of money for an apprentice, Mr. Bacon immediately from the recommendation of Dr. Hand, whoſe ſignature is on the petition, recommended her to Admiral Hood; I believe he wrote a note to the Admiral, for the purpoſe of obtaining the petition.

Did ſhe repreſent that ſhe wanted it for a child of her own or any other child?—For a child of her own.

How ſoon afterwards did you ſee Palmer?—He did not come till after the petition was ſigned, I believe they came together, and got a blank indenture.

How long was it before they preſented the indenture in the ſtate it now is?——It was but a very little time, they have been together two or three times; I believe in conſequence of Mr. Bacon's recommendation, there was a petition ſigned by Admiral Hood, but I cannot ſpeak to his hand writing; the petition had the name of Admiral Hood to it.

What was Mr. Bacon at that time?—He was Sub-treaſurer to the Lord Mayor, Alderman Newnham, he is always ſecretary; theſe are the papers.

Mr. SHEPHERD *ſworn.*

Is this Admiral Hood's hand writing?—It is.

Mr. Silveſter. Put in the indenture.

Mr. Knowles. No, not the indenture, as this is laid in the indictment to be a forged indenture, I ſubmit to your Lordſhip, that they have no right to produce this indenture as evidence, till they have proved it to be a forged indenture.

Court. They have intitled themſelves to read it, as ſoon as they have proved that it was produced by the priſoners; as an act from the priſoners, it certainly is to be read in evidence againſt them, if it does not come out as one of the circumſtances of the charge, it will go for nothing.

(The indenture read and examined by the Court.)

(Dated 23d of June, 1783.)

"This indenture witneſſes, that Edward "Jones doth put himſelf apprentice to "Richard Bulkeley, of Pool, &c.

(The receipt read.)

Signed, Richard Bulkeley, witneſſed Thomas Lloyd, Samuel Morgan.

JOHN ALTON *ſworn.*

Who were the ſtewards for the year 1783?—The Earl of Saliſbury, the Biſhop of Glouceſter, the Lord Mayor, Admiral Hood, Dr. Cuſt, and Dr. Dampier.

THOMAS LLOYD *ſworn.*

I know the priſoner Palmer.

Look

Look at that deed?——This is my ſignature.

Did you ſee the name of Bulkeley to it?—No, I put my name to it as a witneſs.

Who ſigned it beſides yourſelf, here is the name of Samuel Morgan?—I happened to be at Mr. Palmer's, and he aſked me if I would put my name to this indenture.

When was that?—It might be about Auguſt was a twelvemonth, or September, 1783, I took no note of it.

Was it the day that that bore date, Sir, do you recollect was it the 23d of June?—I believe ſo, upon my word, it was not filled up in my preſence, it was brought to me ready filled up, I believe the name of Buckeley was ſubſcribed to it; I did not ſee him ſign it, but I know Mr. Buckeley very well, he was of Poole, and he was formerly of Montgomery.

Do you know how he ſpelt his name?—No, I never took notice.

Look at the back of that indenture?——This is my ſigning to the receipt, I know Mrs. Jones had a ſon of the name of Edward Jones, and knowing Mr. Buckeley I ſigned it, I thought it was a common indenture.

What was obtained by this?——I heard twenty pounds was obtained; I happened to be about a year and a half ago, at Mr. Palmer's, and Mrs. Jones was telling me that ſhe was then getting a ſum of money for a poor clergyman in Wales, in Montgomeryſhire; I aſked her who it was, I knew a Mr. Rowland ſome years ago, and I think that to be the name, he had three ſons, I ſaid, I think you are doing a very good thing.

Mr. Fielding. This is all leading to anther buſineſs.

Mr. Silveſter. What do you know of this ſum of money, which was to be received under this indenture which you witneſſed?—I know nothing at all about it.

What connection had that ſtory with this tranſaction?—None at all, only that I thought you aſked me about Mr. Rowland's money.

Then you do not know what became of that indenture after you had ſigned it?—No, not any thing at all about it.

Then you of your own knowledge do not know, whether any thing was received upon that indenture or not?——No, Sir, indeed.

Mr. Knowles. You are now talking of buſineſs that you ſuppoſe paſſed in 1783?—Yes.

You ſay you ſuppoſe you ſigned this indenture about Auguſt or September?——I ſuppoſe ſo.

The only reaſon you have to ſuppoſe that you ſigned this indenture or any indenture *at this time*, was that you ſee the date, now you have no other recollection of it?—No, only it muſt be at that time, I was at the houſe of the priſoner for two or three months.

Did not you know a Mr. Morgan at that time?—No, not by the name of Morgan.

Priſoner Palmer. What, not Mr. Morgan of Wales, a luſty man, recollect yourſelf?——O yes! there was a Mr. Morgan that uſed to come there.

Priſoner. Where did you witneſs that indenture?——In your office.

Are you ſure of that?——I think ſo.

Think ſo! but are you ſure of it?—Sure, no, I would not ſay, but to the beſt of my knowledge I witneſſed it there.

Court. What way of life have you been in?—I was a Captain in the Montgomery militia.

What was you bred to?—To the law.

Did you practiſe?——No, Sir, I only happened to be two or three years, I did not know enough of it.

No, I think not indeed, if you did not know that you was not to ſign your name to a deed you never ſaw executed.

RICHARD BUCKELEY *ſworn.*

Where do you live?——At at place called Welch Poole.

Did you live there in 1783?—Yes.

Is there any other perſon of your name there?——No, Sir, I believe not.

What

What are you?——I am in different branches of buſineſs woollen and linen drapery and hoſiery.

Is that your hand writing?—No.

Had you any apprentice of the name of Jones?—No.

Was there any perſon in the year 1783, of your name or like it in ſound, at Poole?—No, Sir.

(The petition read.)

Mr. Fielding. Poole I underſtand to be a pretty large place?——Moderate.

Do you find yourſelf prepared to ſay, that there is no perſon there of the name of Bulkeley beſides yourſelf?——There is not.

I take it for granted, that in Poole, as in other places, there are a great many travelling men, carrying on their buſineſs as you do, travelling in carts?——No, I think not.

You cannot ſay there was no ſuch man?——I do not ſay that ſuch a thing might not have happened.

All you can ſay is, that there is no perſon of the ſame name that you know off, keeping an open ſhop with the name written over the door?——Yes, there is no perſon of my name, but myſelf.

But whether there are perſons of your name that have come there occaſionally, you cannot ſay?—No.

How do you ſpell your name?—Buckley.

Mr. Knowles. If any perſon in the year 1783, had come to the town of Poole, and kept houſe there but for a week perhaps, with goods ſmuggled ſuppoſe, muſt you neceſſarily have known it?——No, Sir.

Have you made uſe of all poſſible endeavours to know whether there is or not?—I believe they have been made.

Have you ſearched the rates to learn whether any perſon of that name or of that occupation lived there near that time?——Yes, we have.

This being near Wales, are there not people frequently coming travelling through Wales?——Yes, from different parts of England there are.

The Rev. LEWIS ROWLAND *ſworn.*

I am a clergyman, reſident near Poole, within two miles and three quarters; I know of no mercer, or any perſon of the name of Buckley, I never head of any perſon of that name, reſiding at any time in Poole; I have looked at the poor rates, which are made out monthly.

Mr. Fielding. We muſt not hear of that.

Court. You live in the neighbourhood, and you have not heard of any other perſon of the name of Buckley but this gentleman?——No.

Do you know Mr. Buckley's hand writing?—No, I cannot ſay I do.

THOMAS MORRIS *ſworn.*

What office had you at Poole, in the year 1783?—I was overſeer of the poor.

Was there any perſon of the name of Buckley there, a mercer?——I know this gentleman, I know no other, he ſpells his name Buckley, I do not think that is his hand writing.

Have you ſeen him write?——I think I have.

Is it ſpelt like it?—No.

Is there any perſon of that name?—No, there is not, I brought the poor rate up with me, there is no ſuch a name in it, it is but a ſmall town.

BENJAMIN DAWSON *ſworn.*

How long have you known Palmer?—About eight months.

Have you often had an opportunity of ſeeing him write?—Yes.

Whoſe hand writing do you take that to be?——I ſhould ſuppoſe it to be Mr. Palmer's, the receipt particularly, I believe it is the whole of it.

Mr. Knowles. Mr. Dawſon, pray who are you?——I am clerk with Meſſrs. Summer and Campbell, of Dock-head, diſtillers.

How long have you lived with Mr. Palmer any where?—Never.

Have you been very intimate with him?—Not particularly intimate, I have aſſiſted him in his buſineſs, but if we may judge of

one man's hand by another, I think it is, I believe it is.

Are you as certain of one part of that as the other?——I would not ſwear it is Mr. Palmer's hand writing, I believe it is.

(The order for the payment read, ſigned Alexander Hood.)

"I agree to allow twenty pounds for "the within mentioned purpoſes upon pro- "per indentures being filed up and exe- "cuted to the Treaſurer of the Sons of the "Clergy."

Priſoner Palmer. Did you ever ſee me write?——Yes.

And you are poſitive that is my hand?——I believe it is, I cannot point blank ſwear it is your hand; one morning we were together ſettling Mr. Campbell's accounts.

Priſoner. My Lord, I went there occaſionally in the counting-houſe, and he was behind the counter, he never ſaw me write, he has ſeen my writing in books.

Mr. Knowles to Shrigley. You have heard the names of thoſe gentlemen that are mentioned, as ſtewards of the feaſt of the Sons of the Clergy?—I have.

Is any part of this money, part of their own fortune?—No.

This money then I underſtand to be raiſed by voluntary contributions?—Yes.

Under what circumſtances are the officers authoriſed to diſtribute that money?—There is a ſecretary appointed, Mr. Bacon is the ſecretary, he divides the whole ſum equally among the ſtewards, each ſteward has his portion, and I believe it is well known they have a right to give to whom they pleaſe, I always underſtood that it is a ſufficient ſanction for the payment of the money.

You do not conceive that any of theſe gentlemen, who have a ſhare of the ſum collected, have a right to apply it to their own perſonal neceſſities or pleaſures?—No.

Mr. Knowles. My Lord, I conceive, admitting every fact on this caſe, that this amounts to no more than a fraud, and that it cannot reach that accumulation of guilt which we call forgery: to ſupport this objection, my reaſons are theſe: that the legiſlature has from time to time, found it neceſſary to guard the property of men from thoſe tricks they cannot very well in common prudence foreſee; but I believe from the language, that the legiſlature has ſhewn in the preamble to thoſe acts, which they have given us as the rules of our conduct, it will always be underſtood, that this fraud is to be committed on ſome perſon in his own perſonal individual property, and not to be extended to that fraud which ſhould induce him to part with the money of others; for which he was not in point of law to account: great is the difference to ſociety, whether a charity is barely miſapplied, or whether a perſon in poſſeſſion of an ample fortune is to be totally deprived of that in an inſtant, by the wicked artifices of any man whatever: the extreme caution that government has taken to prevent frauds of this kind, certainly ariſes from the great facility with which theſe things are done, and the very ample miſchief which they occaſion; but ſurely my Lord, the mere miſapplication of a charity is not that miſchief; the very firſt ſtatue of the 5th of Elizabeth, Chap. 14th which made the forging of a deed, upon ſecond conviction, a capital offence, in the preamble, ſays, "it is to the great injury, wrong, hurt, diſheriſon, and utter damage;" So that unleſs ſome ſtatute is produced to me, that makes the legiſlature alter its language, I have a right to ſay that theſe priſoners are not the guilty perſons, againſt whom the law meant to wreak its vengeance: another ſtatute was made, which is the 2d of George the Second, Chap 25. and there the preamble ſays, that "this evil ought to be checked by further puniſhment (namely, by making forgery capital in the firſt inſtance) becauſe it conveys ſuch infinite prejudice to trade and credit;" ſurely theſe are not words ſufficiently explicit in an act by which men are to ſquare their conduct; ſurely the legiſlature did did not mean to hold out death, as the penalty of getting by trick, that money which was intended to be given to more worthy objects.

Mr.

Mr. Fielding. The legiſlature has guarded the property of corporations.

Mr. Knowles. My Lord, I think upon theſe grounds, and the obſervation of my learned friend, that the legiſlature has guarded the property of corporations, that if they chuſe ſo to ſhelter themſelves againſt ſuch kind of frauds from all people, they may by applying to the legiſlature, receive that additional ſecurity, which if they are aggrieved, will make the puniſhment to be the lives of the offenders: but, certainly where theſe perſons are not anſwerable over to thoſe who have given them the money, as is the caſe here, no ruin, no prejudice can poſſibly accrue to them: for thoſe reaſons added to this, that it has been the intereſt of the wiſeſt of all conſtitutions, and ought to be the intereſt of every one, that thoſe acts of their's, which are to affect the lives and liberties of their ſubjects, ſhould be as plain as poſſible; therefore, ſurely, this will not be extended to thoſe who might have received further ſecurity, this will not be extended to thoſe who have neglected receiving that further ſecurity, and are not in their own perſons any ways damaged or prejudiced.

Court. The objection has been very ingeniouſly put, but I do not think it proper to give ſo much countenance to it, as to call on the other ſide to anſwer it. God forbid that funds for public charities ſhould not have the ſame ſecurity that every man's private purſe has; they are the abſolute owners of this money, it is their property, it is put into their hands upon a truſt, as between the ſubſcribers and them, and the ſubſcribers might call upon them if they were to ſink the money in their pockets, if it were poſſible they could act ſo mean a part; but, as againſt all the world except the ſubſcribers, it is unqueſtionably their money, and there is no difference between this caſe and the caſe of a corporation, but that where there is a corporation, the money then becomes the money of that corporation; where there is no corporation, it is the property of thoſe individuals, which, if it had been incorporated would have compoſed that corporation: the ſtatutes that have been quoted, recites the miſchiefs that have ariſen in ſome caſes to their diſheriſon, and that it has a tendency to prejudice trade and credit; but that was never meant to confine the operation of the offence to caſes where judgment of actual diſheriſon was the conſequence; or that it ſhould be abſolutely neceſſary, that it ſhould be a caſe where trade is affected, or where general credit is affected; enough to ſatisfy the preamble is the definition of forgery; that is the thing we are to go by; and that is the falſe making an inſtrument which purports upon the face of it to be good and valid, for the purpoſes for which it was created, with a deſign to defraud any perſon; for it is not poſſible in this caſe, but there was a deſign to defraud theſe truſtees, the individual truſtee, the ſub-treaſurer, who if he paid it, would be anſwerable; this ſignature of Alexander Hood, would be no ſanction to Mr. Bacon to pay this money on a falſe deed; I am clearly certain in point of law he would be anſwerable: this is therefore plainly a caſe, in which this forgery has been made to defraud every perſon that are parties in the tranſaction, and I conclude as I began, God forbid, that the immenſe funds that are raiſed in ſuch a country as this for public charities, ſhould not in the hands of thoſe that have the care of them, receive the ſame protection that the private purſe of every individual has!

Court to Palmer. Mr. Palmer, this is the time for you to make your defence, and I call upon you?——I beg leave to refer it to my ſiſter priſoner, to make her defence firſt.

Court. Well, I will indulge you in that: Mary Jones, what have you to ſay for yourſelf.

Priſoner Jones. My Lord, as a clergyman's widow in diſtreſs, I apprehended I had a right to apprentice out my child, which I did——

Mr. Fielding. As Council for Mrs. Jones, I object to her being called upon to make her defence firſt, before Mr. Palmer has made his defence.

PRI-

PRISONER PALMER's DEFENCE.

May it pleaſe your Lordſhip, and you, gentlemen of the Jury, the indenture in queſtion came to me ſigned with the name of Bulkeley; previous to that indenture being ſigned, I had ſeen the petition ſigned by very reſpectable characters, unqueſtionable characters; I could have no doubt that there was any thing amiſs in the indenture, nor is it yet proved I preſume, becauſe that there was a man of the name of Bulkeley I well knew; I knew a gentleman of that name that came frequently to viſit Mrs. Jones; I underſtood from him that he was to take her ſon apprentice; I remarked one day, that after the name Bulkeley was ſigned, that the indenture lacked the neceſſary appendages of witneſſes; accordingly Mr. Lloyd one of the ſubſcribing witneſſes who knew the ſignature (as he ſaid) being there, I did aſk him to ſign it; it is very uſual, I appeal to the Jury, for bills to come frequently from the country without neceſſary indorſements; any indifferent clerk or other perſon may put an indorſement on that bill, yet though it is an abſolute forgery, it is not with intent to defraud; and I did not think myſelf any ways culpable or criminal in aſking a perſon to ſign an indenture, who had acknowledged that he well knew the name of Buckley. As to having uttered the indenture, I deny that; I never did, and I am pretty poſitive that Mrs. Jones never did: I wiſh to aſk Mr. Shrigley, whether at the diſtance of two years back he can identify my perſon, or that of Mrs. Jones's; or what particularly ſtruck him that he ſhould recollect our perſons after two years.

Court to Shrigley. The priſoners deſire to know what reaſon you have to take notice of them?—There was a leading circumſtance that led me to it, and which in fact led me to a diſcovery of the forgery: upon a ſubſequent forgery in the name of Rowland, there was a great deal of ſtir, and in ſeeking about it we found that Mr. Palmer was a principal mediator, and I recollected him to be the ſame man that came on that buſineſs.

Priſoner Jones. You did not ſee me with Mr. Palmer?—No.

Court to Palmer. Do you withdraw yourſelf entirely from all concern with it; or was you yourſelf impoſed on?—I ſay, I was myſelf impoſed on; I will appeal to the gentlemen of the Jury, whether any of the gentlemen would not have done the ſame as I did: I did not utter that indenture.

Court. Can you ſhew by witneſſes in what manner, and by what way, that indenture was brought to you?—What I did was merely out of friendſhip and humanity to Mrs. Jones; at her deſire I did aſſiſt her in going to Mr. Bacon's office, Mr. Bacon did ſend it back to Mr. Hood; it was recommended by Dr. Hand, of Cripplegate, and ſigned by the two church-wardens: I do acknowledge that I did fill up the indenture; and likewiſe, that I ſaw it with the name of Bulkeley to it, at Vauxhall; that was where Mr. Lloyd witneſſed it.

Court. You bring yourſelf a good way into it by acknowledging ſo much; do you give the Jury any account of who that Bulkeley was?—I only knew Mr. Bulkeley as I did Mr. Lloyd, through Mrs. Jones.

Mr. Knowles. My Lord, Mr. Palmer kept an office of Univerſal intelligence, and in procuring of ſervants, which was within that line.

SARAH DUNELL *ſworn.*

I was a ſervant with Mr. Palmer in 1780, at No. 5, White's-row, Vauxhall; there was a gentleman that often came there, and Mr. Palmer and Mrs. Jones called him Mr. Buckley, he often came there with handkerchiefs and pieces of waiſtcoats: there was a boy that had red hair, and I often heard Mrs. Jones ſay, ſhe was going to bind him apprentice to this Mr. Buckley, that was her ſon. I did not know where this Mr. Buckley lived.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 6th of APRIL 1785, and the following Days;

Being the FOURTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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[PRICE NINE-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of J. H. Palmer and M. Jones.

Do you remember any tranſactions between Mr. Buckley and any perſon at Mr. Palmer's houſe?—I know Mrs. Jones and Mr. Palmer were talking of putting their ſon apprentice, and I ſaw a young lad with red hair.

What buſineſs was Palmer?—He lived in Broad-ſtreet, and kept an office; he then lived there retired from buſineſs, for the benefit of his creditors.

What kind of office was this?—It was an office for all intelligence.

Mr. Knowles. I ſuppoſe there were a great many people always at this office?—A great many.

Court. Did you live with him at the office?—Yes, I did.

Mr. Silveſter. Where was this office?——In Broad-ſtreet he kept an office, and afterwards he went to live at White's-Row, Vauxhall.

—Of what did his family conſiſt?—Only Mrs. Jones, himſelf, and a ſervant.

Court. What did his family conſiſt of in town?—Only me and himſelf; I lived as his ſervant in Broad-ſtreet.

What was become of Mrs. Jones then?—I do not know.

How long had he lived in White's-row?—About five or ſix months.

He left the office for debt, and lived in White's-row about ſix months?—Yes.

Priſoner Palmer. Pleaſe to aſk her whether ſhe ſaw Mr. Buckley ſign the Indenture?——I remember him coming there many times, but I do not remember him ſigning any paper.

Court to Mary Jones. Now what have you to ſay for yourſelf?——I know no more but there was a man of the name of Buckley.

Court. But you know you have taken upon yourſelf to produce an indenture, by which your ſon was bound to a man of the name of Bulkley, living at Poole, in Montgomeryſhire?—He certainly was there at that time when he was bound.

Mr. Fielding. My Lord, I ſubmit on the part of Mrs. Jones, that no witneſs through this whole evidence affects her, as having any concern with this inſtrument.

Court. She uttered it, whether ſhe knew it is another thing.

Court to Mrs. Jones. I underſtand this application for the apprentice fee was for your own ſon; you ought to have known whether

whether you had bound him apprentice to anybody, and whom?—I did not know he was obliged to reſide conſtantly in Poole.

Can you prove that the tranſaction was a real one, that there was a matter for your ſon, and that your ſon was really intended to be bound apprentice, and that this is not all a fiction?—The woman has proved that there was ſuch a man.

Court. Have you any witneſſes for her?—No, my Lord.

The Jury withdrew for a ſhort time, and returned with a verdict.

JOHN HENRY PALMER GUILTY *of the whole indictment*, Death.

MARY JONES GUILTY *of uttering the indenture knowing it to be forged*, Death.

Tried by the ſecond London Jury before Mr. Baron EYRE.

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499. JOHN HUGHES was indicted for feloniouſly aſſaulting James Browning on the King's highway, on the 28th of February laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one pound and an half of thread, value 19s. 6d. twelve pieces of Holland tape, value 6s. ſixty pieces of Dutch tape, value 2l. 19s. nine pieces of fine bobbin, value 2s. 3d. the property of Ambroſe Laufere.

JAMES BROWNING *ſworn.*

On the 28th of February, between ſeven and eight at night, I was going up Fleet-ſtreet, and this man followed me, I had a paper parcel, in which was thread, tape, and gloves, when I croſſed the way he croſſed after me, I had ſome ſuſpicion of him, and I croſſed again, and he attempted to follow me, then I croſſed again, and he ſtopped me, and aſked me which was the White Horſe; it was the priſoner that followed me from Fleet Market; then there was another with him, and they made believe as if they were drunk, they ſtopped my mouth for ten minutes together, that I could not cry out; it might not be ſo long as ten minutes, they held their hands over my mouth.

Mr. Peatt, Priſoner's Council. What is your name?——James Browning.

Some perſon overtook you in Fleet Market?——No, it was juſt by Fleet Market.

Did you ever ſee that perſon before?—No, I ſaw him ſtanding there I took no notice, I went on, he followed me.

Did he offer you any money for your bundle?——No.

Had not you a long converſation with him?——No.

Did he ever offer you any money?—No, no converſation of that ſort.

At Temple-bar you ſay you was ſtopped?—Sir, he met me by the paſtry-cook's at Temple-bar, it was between ſeven and eight, at the paſtry-cook's I viewed his face.

Are you ſhort-ſighted?—I can ſee very clear, Sir, thank God.

What converſation have you had with Sir Sampſon's men?——None.

Why did not you call out?——I did, as ſoon as I could; and the people went over, I did not call out at firſt, becauſe I could not, and after they left me, I could not catch them.

Were not their hands hollow over your mouth?——No, their hands were cloſe to my mouth: I am ſure it is the man, becauſe he ſtopp d me at the paſtry-cook's ſo long a time, I viewed him there.

Did the priſoner deſire the magiſtrate might have him examined in a different coat?——No, I did not hear him ſay ſuch a thing.

Was you aſked before the Magiſtrate what coat he had on?——No.

Did the priſoner deſire the Magiſtrate to aſk you that?——Yes, but I ſaid I would not ſwear to his clothes, only to his face; no money was offered or held out to me.

JOHN TATE *ſworn.*

I ſent a parcel by the lad of thread and tapes. This is a memorandum of the ſeveral things, I ſet them down laſt Saturday, I took this memorandum from the invoice, I am very ſure that all the things I put in there

there were in that parcel, they are the things mentioned in the indictment; I sent him about seven, it was near nine when he came home, he brought a man with him, I do not know the man, but he seeing the boy in great confusion, came to tell that he was robbed; the boy was very much frightened for fear his master should be angry.

Had the boy ever lost any thing before?——No.

How came he to be so much frightened?——I should think it was natural, he said he was followed by a man from Fleet Market, and robbed under Temple-bar; the prisoner was taken up about five weeks after, at the White Horse alehouse, the things were never got again.

Mr. Peatt. How long have you known that boy?——Not quite three months.

Was it his custom to loiter on the way, when he was sent of an errand?——Not to my knowledge, I never went with him.

Would you trust him with a sum of money?——Yes.

JOHN ATKINS *sworn.*

I only know of the lad's coming to give information against the prisoner, it was on Monday morning, there were several people shewn him, and he did not know any of them, till last Sunday we apprehended this man, with two more, and this lad found him out.

What did you apprehend the prisoner for?——On suspicion of this robbery, from the description of the boy; there were two seals, a chain and key, without a watch, found upon the prisoner; and this stick, and other things and duplicates which were returned to him.

Mr. Peatt. Who was with you?——Shallard, King, and Carpmeal; Jealous was in the coach, we had it to the door, we came out and left Hughes behind.

Who did you bring out with you?——One Short a house-breaker, I did not immediately recollect Hughes, and I went and fetched the prisoner.

What is the reward in case this man is convicted?——You know the reward.

How much is the reward?——Forty pounds, you know.

PRISONER's DEFENCE.

I never saw the boy before I saw him at the office, I work hard for my living.

The prisoner called five witnesses who all gave him a very good character.

Jury to Prosecutor. How long has the boy lived in his place?——Four or five months, I have no doubt of the boy's honesty and care in my mind.

GUILTY, Death.

He was humbly recommended to mercy by the Prosecutor.

Tried by the first London Jury before Mr. RECORDER.

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500. UZIEL BARRAH was indicted for feloniously receiving on the 6th day of March last, one silver tankard, value 15l. one silver milk-pan, value 15s. one silver candlestick, value 40s. one silver pint mug, value 3l. four silver butter boats, value 8l. a silver caudle cup, value 30s. a pair of silver sugar-tongs, value 8s. ten silver tea-spoons, value 30s. a silver tea-strainer, value 3s. a silver desert spoon, value 8s. one silver castor, value 3s. the property of Robert Snow, of which William Harding has at this present session been convicted of feloniously and burglariously stealing; knowing the same to be stolen.

The Case was opened by Mr. Knowles.

The Record of the conviction of William Harding read and examined by Mr. Silvester, one of the Prisoner's Councel.

JACOB AARON *sworn.*

Do you know William Harding?—Yes.

You are the prisoner's servant?—Yes, I am.

When

When did you ſee Harding at your maſter's houſe?——On Sunday morning the 6th of March.

What time did he come?——About ſeven in the morning.

Was it that Harding who was at this bar a little while ago?——It was.

Who was with him?——Bill Steward.

Have you ſeen this man before at your houſe?——I have ſeen Bill Steward, but never before Bill Harding; Bill Harding and Bill Steward came together, and about ten minutes afterwards Bill Harding's wife came, what they call his wife; and I was called up ſtairs to my miſtreſs.

Was your maſter there?—No.

Mr. Silveſter. Do not tell us any thing that happened, except he was preſent?—Then I can ſay nothing at all.

Mr. Knowles. Had the woman any thing particular in her appearance at the time ſhe came?——Yes, like a bundle under her petticoats.

ABRAHAM NATHAN *ſworn.*

You was the priſoner's ſervant?—Yes.

Do you remember Bill Harding and Bill Steward being at the houſe at any time?——Yes, on Sunday morning the 6th of March, I went on an errand for my maſter, when I came back I was going up ſtairs to deliver my meſſage.

Mr. Silveſter. Was your maſter there when you came back?——No.

Mr. Silveſter. Then do not tell us what paſſed when your maſter was not there.

Mr. Knowles. Was your maſter at home when Harding and Steward came there?—My maſter came in while I was below.

Was Steward and Harding there then?—Yes, I went up ſtairs and Steward gave me half a crown.

Where was your maſter?——He was in the kitchen, fronting them, ſtanding by the fire.

Who was there beſides?——I ſaw nobody elſe there; in my maſter's preſence Steward gave me half a crown, and my maſter came down ſtairs, with a bag in his hand, and he ſpoke ſharp to me, and aſked me for a bit of ſtring, I had none at hand, and I gave him my garter.

Where was that bag put?——In a place in the parlour, which was called *the plant.*

In what place was this plant?——In the wainſcot.

Was it viſible to anybody as a cupboard, or was it a ſecret place?—A ſecret place.

How did the wainſcot open?——There was a little hole at the bottom of it, and one could put in a gimblet, or the point of a knife, and it lifted up, and drew out.

Was there any hinge to it?——No; I went up to the officers at Bow-ſtreet, and gave information.

Was you with the officers, when the houſe was ſearched?—No, Sir, I was not.

Court. Do you know what was in it?——I heard the rattling of the ſound of plate, I did not ſee it, becauſe it was ſhut too.

Did you know the bag when you ſaw it?——I cannot ſay I knew it, it was a ſmall ſized bag.

Did you ever know what was in it?——It was the ſame bag that was put in, I am ſure of that.

Mr. Silveſter. Why Nathan, you did not ſee the bag brought in?—Where.

Why do not you know where, *into the Synagogue?*——I ſaw my maſter put it in, I could not ſwear to the bag, I ſaw my maſter put a bag in, and I heard the plate rattle, I know it was the ſame bag.

You was examined I believe by a learned friend of mine, that is not here preſent, and you admitted you had perjured yourſelf, over and over again; did not you give a different account before Sir Sampſon?——No, Sir, I do not know I gave him a different account.

Did not you vary your account before Sir Sampſon?——No.

What did you ſwear before Sir Sampſon?——I ſaid then what I ſay now, no further than about what happened at Kingſton.

You lived with the priſoner?——I lived with Mr. Barrah three years and a half;

Steward was no friend of mine, he gave me half-a-crown for a preſent.

Where was your maſter gone when you came home?——I do not know, I was in about ten minutes or a quarter of an hour before he came in.

You ſaw nothing paſs between Harding and your maſter?——No, Sir, I never ſaw Harding before, nor I did not know him then.

MOSES MORANT *ſworn.*

You are the officer that called at Barrah's houſe?——Yes, Sir, it was on Sunday morning, a little before ten, on the 6th of March, I went there on the information of Abraham Nathan, he came up to Sir Sampſon's, and ſaid he believed there was a quantity of plate in Mr. Barrah's houſe, he ſaid it was in the wainſcot, and that I was very near the plant when I was there before, he did not ſay whether it was in a bag or not, and he deſcribed to me a little hole over the black part of the wainſcot, at the bottom he ſaid, if I found that little hole, that part of the wainſcot opened; I went, and Mr. Clark, and two or three more officers, to Mr. Barrah's, both Mr. Barrah and his wife were at home, we told them we came to ſearch the houſe on information, we were there before eleven the ſame morning; they both ſaid there was nothing in the houſe, and that Mr. Clark was very welcome to ſearch, he ſaid there were a few pounds of butter, and that was all they had; they deſired that Mr. Clark would ſearch the houſe, and he turned round to me, and ſaid no, that is the man that is to ſearch it, and Shallard went down into the parlour, and there was a place in the floor, I opened it, it turned up, and I put my arm in as far as I could reach, and Barrah himſelf went with me, and he ſaid here is nothing indeed, I have nothing in the houſe; we found nothing in that hole, I then began to look on the wainſcot, and it was very dark, and Shallard went to get a candle, and looked about, I then ſaw the hole in the middle of the wainſcot, under the cupboard, near the floor, under the ſkirting board; I then took my knife, and ſtuck the top of my knife into the hole, and it ſlid up, and lifted out at the bottom; I roſe up upon my feet, and I found this bag of plate, and thirty-ſix ſkins for buck ſkin breeches, and three bundles of linen, two tied in a handkerchief, and one in a table cloth, I aſked Barrah if he knew any thing of the things in that hole, and his anſwer was, cannot you let them alone; beſides theſe things there was a jack for breaking open doors, and ſome pick lock keys.

Mr. Knowles. Was that bag tied up with any thing?——It was tied up with a piece of black ribbon, which is here now; I ſaid to Barrah, who brought theſe things to your houſe? he told me he would tell me, if he could be admitted an evidence, I ſaid do you know who the thieves are? he ſaid he would tell, if he could be admitted an evidence, I told him to go to Mr. Clark; Shallard went and fetched Clark down ſtairs, and Clark ſays, what do you think of this Mr. Barrah, and he wanted to be admitted an evidence, and Clark ſaid he would have nothing to do with him.

Mr. Silveſter. That information you had from that little Jew boy?—Yes.

What had you ſaid to Barrah, when you came there?—I aſked him if he knew who the thieves were.

And it would be better for him?—No, I ſaid nothing that it would be better for him, I do not know that there was any private converſation between Clarke and him, Macmanus was with him, he is here.

——— SHALLARD *ſworn.*

On Sunday the 6th of March, I went to Barrah's houſe, and we ſearched the houſe, and found this plate concealed inſide the wainſcot, I was with him when he found the things; Barrah wanted to be an evidence.

What was the bag tied with?—A black ribbon.

Mr. Garrow one of Priſoner's Council. Would your Lordſhip aſk Nathan, whether he has not perjured himſelf.

Court. No.

Mr.

Mr. Garrow. May not I aſk him, whether he has confeſſed that he has perjured himſelf?

Court. No, you may prove it, but not aſk it of himſelf.

Court to Nathan. Do you know the black ribbon?—This bit of black ribbon, is like the bit, I took it for a garter.

JOHN WADDINGTON *ſworn.*

(Depoſed to the tankard.)

I know it by the ſize; I have lived with Mr. Snow eleven years, I have uſed it all that time, I know the candleſtick, and I have a deſert ſpoon, the fellow of this one that is here, all the plate is Mr. Snow's.

Mr. Garrow. You was here at the time that Harding was tried?——Yes.

Did you hear the Jew boy examined?—Yes, I heard ſomebody ſay ſomething about him.

Do you remember an enquiry of this ſort about him, whether he had confeſſed in the courſe of the preceding week, that he had perjured himſelf?—I remember ſome gentleman ſaying ſomething to him.

But you do not remember what it was?——I do not remember anything about it, I remember hearing you make a noiſe about the affair, my intention was to know the plate.

After you was examined, you remember the Jew boy was called and examined?—Yes.

Now you remember ſomebody made a noiſe at him, about being perjured?——I remember a noiſe, but I do not remember what about.

MARY ROBINSON *ſworn.*

I know that tea ſpoon by a cruſh, it is Mr. Snow's property, and this milk pan, and ladle I know, and this ſpoon, this muffineer, and this deſert ſpoon.

Mr. Garrow. You was in Court at the time the Jew boy was examined, on the former trial?—Yes.

Do you remember my queſtioning him, about what had paſſed at Kingſton?—No, I do not remember anything that paſſed at Kingſton.

Do you remember my queſtioning that boy, whether he had confeſſed any thing at Kingſton?——I remember he ſaid he was ſorry for what he had ſaid at Sir Sampſon's office, that is all I recollect about it.

Do you remember my aſking him in this way, are you the ſame Nathan that I croſs examined at Kingſton?—Yes.

You do not know whether he ſaid it was falſe or not?—No, I do not.

Court. Mr Barrah, if you wiſh to ſtate anything, you muſt do it yourſelf.

PRISONER's DEFENCE.

My Lord, and Gentlemen of the Jury, I was not in the houſe, and I knew nothing of this tranſaction, I have witneſſes to the proof of it, I was in the ſtreet when theſe gentlemen came, if I had known any thing of this tranſaction, I had time to have gone about my buſineſs, I have witneſſes to prove I was not in the houſe, and knew nothing of the matter.

Court to Morant. What time did the information come to the office?——Between nine and ten, I went in about a quarter of an hour after, the priſoner lives near three miles, he lives in Dukes-ſtreet, Dukes-Place, one man was left below with the priſoner.

Court to Nathan. What time did you ſet out from Mr. Barrah's, to go to the office?——About eight or a little after, I ſaid I was gone to the ſtable to the horſe, I go there every morning, and noon, and afternoon, if I cleaned the horſe in the morning, I uſed to ſtay an hour, or an hour and a half, or two hours.

Mr. Silveſter. Do you know a man of the name of Fernandy?—Yes.

Had you any converſation with him?—He offered me twenty pounds, and Mr. Barrah offered me ten guineas to contradict it.

Did you offer to go out of the way for fifty pounds?—No, Sir, I did not.

ELI-

ELIZABETH BAYLEY *ſworn.*

I was at Mr. Barrah's houſe on Sunday morning the 6th of March, when ſome things were found, Mr. Barrah was not at home, he came in about half an hour after the young men were gone, I am ſure he was not at home when the young men were in the houſe; I was ſervant to Mr. Barrah at the time.

Mr. Knowles. What time did theſe young men come in?—Between ſeven and eight.

Do you know what they left there?—— I believe it might be ſome plate.

Do not you know it was?——I was not in the houſe, I was in the room before they went up ſtairs, and I went up ſtairs with them, I am ſure my maſter was not at home, he could not come up ſtairs without I ſaw him, nobody can go up ſtairs without going by the kitchen, they were all in the two pair of ſtairs, in the front room the bed chamber; I remember Aaron being there, all theſe were in the kitchen afterwards; I have lived with Mr. Barrah about a twelvemonth, I had no application to come here, Mr. Barrah did not apply to me, but I thought it my duty to come.

Did not you communicate to your miſtreſs, that you knew this when you heard your maſter was in trouble?——Certainly Sir, I ſaid, I would prove as far as I knew.

Court. Do you know Bill Harding and Bill Steward?——I believe I ſhould know their names, I have heard that one of theſe has been been tried ſince, I was not here then, they might ſtay three quarters of an hour, my miſtreſs carried it down, it was in a bag, my miſtreſs tied up that bag, my miſtreſs would tie it up with a bit of black ribbon.

Where did you find that bit of black ribbon?—I got it off my leg, it was a garter of my own; I did not ſee Nathan there then, he was in the houſe that morning, but not while the young men were there. ſh would not leave the things out.

Where do you think ſhe went?—I cannot tell whether the things were there afterwards, my maſter knew nothing of it.

ABRAHAM FERNANDEZ *ſworn.*

I knew Nathan, one day coming with Mr. Mendez Dacoſta, in Devonſhire-ſquare, I ſaw this young lad in the place, called Woolpack-alley, I knew him before, he told me, ſays he, Sir, I ſhall be able to come to your ſchool to your tuition in a few weeks, I ſhall come conſtant; he ſaid, it was in his power to do his maſter good or bad, at the Old Bailey, he ſaid, his maſter was out and came in again when the goods were found; h e ſaid, it was concerning ſome plate; he told me to intercede with his miſtreſs, if ſhe could but let him have a trifle, I believe about twenty pounds, or elſe he ſaid, he ſhould ſwear poſitively to his maſter buying ſome plate; I never was at this place before now.

What are you?—I belong to the Hebrew College; this boy was learning to write.

MARY COLE *ſworn.*

I live in Gravel-lane, Houndſditch, I do not know any thing about the plate, any further than three or four days after the boy did what he did to his maſter, I was going through Whitechapel, there I ſaw Mr. Nathans, I had a little talk with him, he ſtopped me and aſked me how I did, I aſked him how he could have the face to aſk any body how they did, after he had done ſuch an imprudent thing; the man had before told me, that this maſter was not in the houſe; and he ſaid, he was ſorry for what he had done, but he ſaid he could avoid ſwearing to it at the Old Bailey, and if his miſtreſs would give him a ſum of money he would go out of the way, and not appear againſt his maſter at the Seſſions.

She did not ſend him any money in conſequence?—No, he ſaid, his maſter was not in the houſe at the time the man brought the plate there, he ſaid, his miſtreſs brought the bag upon the ſtairs and gave it to him, and he put it into a hole.

I ſuppoſe you do not know what a plant is?—No, I have not ſeen the boy ſince.

Court. Then the boy told you how this happened?—Yes, he told me his miſtreſs brought

brought the bag on the ſtairs, and gave it to him, and he put it in the hole.

Who did you firſt tell this converſation to?—To Mrs. Barrah, I went and told her.

GUILTY.

Tranſported for fourteen years to Africa.

Tried by the firſt London Jury before Mr. RECORDER.

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501. RICHARD TRUMAN was indicted for feloniouſly ſtealing, on the 1ſt day of April laſt, twelve pounds weight of moiſt ſugar, the property of Thomas Hibberd, Edward Fewer, and George Hibberd.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. ROSE.

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502. SAMUEL BLACKMORE was indicted for feloniouſly ſtealing, on the 28th day of March laſt, one ſilver milk ewer, value 10s. the property of John Corkhill.

JOHN CORKHILL *ſworn.*

I live in Hanover-court, Grub-ſtreet; on Monday the 28th of March, I loſt a ſilver ewer: I did not miſs it that night, I ſaw it afterwards at Mr. Clegg's, a pawnbroker, on Wedneſday; my name was on it, I. C. C. I have had it ſeven years, I can ſwear to it.

CATHERINE CORKHILL *ſworn.*

I am wife of the laſt witneſs, I ſaw my ewer on Eaſter Monday, about ſix o'clock, I put it in a corner cup-board, where I always put it, which was unlocked and had a button on it, and about nine on Tueſday morning, I miſſed it; I found it at Mr. Clegg's on the 29th; nobody was in my place the evening I loſt it, beſides the priſoner and another young man, he had lodged with me a fortnight before, he came that night about eight o'clock, and ſaid, he had been making holiday, he ſat down by the fire, I went up ſtairs, and when I came down he was gone out; the other young man was there before he came, and after he went away.

The pawnbroker's ſervant produced the milk ewer which he received in pledge that evening from the priſoner (depoſed to) the pawnbroker's man knew the priſoner before.

Priſoner. I know nothing of it.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. ROSE.

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503. RICHARD MULLINEAUX and WILLIAM RICHARDS were indicted for feloniouſly ſtealing, on the 24th day of March laſt, ſixty-eight pounds weight of raiſins, value 40s. and threeruſh baſkets, value 3d. being on a certain wharf, near the navigable river of Thames.

BOTH NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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504. JAMES ROBERTS was indicted for feloniouſly ſtealing, on the 2d day of April, one linen handkerchief, value 1s. the property of George Gordon.

The priſoner was a little boy, and was ſeen picking the proſecutor's pocket by Samuel Green, the priſoner was ſoon after joined by a man, who eſcaped.

Court to Priſoner. Who was this man? —I had no man with me.

GUILTY.

Sentence reſpited.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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505. WILLIAM DENMAN was indicted for feloniouſly ſtealing, on the 5th day of March laſt, one laced hammer cloth, value 5l. the property of Jeremiah Crutchley, Eſq; privily in his ſtable.

GILES HATT *ſworn.*

I am coachman to the proſecutor; on the 4th day of March, I was waiting to put to, and I left the door of my coach-houſe unlocked, the next morning I miſſed my hammer cloth, which was in the coach-houſe; I never ſaw the priſoner till he was at the office.

JOHN SAYER *ſworn.*

On the 5th of March, I took the priſoner in St. Paul's Church-yard, between twelve and one, I took him to a public houſe, he went willingly, and he flung down the hammer cloth and ran away, I purſued him and took him: there was another man with him, and he ſaid before the Juſtice, he had it from him.

(The hammer cloth depoſed to.)

PRISONER's DEFENCE.

On Saturday the 5th of March, in the forenoon, a man came up to my lodgings, and enquired for a porter, he had a bag in his hand, which was open at one end; he ſaid, he wanted a porter to carry it to the Swan with Two Necks, in Lad-lane: I went with him and was ſtopped; I looked round for the man and he was gone, I thought it was a ſnare laid for me: I met the man afterwards, and I had not power to ſpeak to him.

MARGARET COOPER *ſworn.*

On Saturday morning the 5th of March, between ten and eleven a man came to the priſoner with a black coat and round hat, and a bundle under his arm: I am a mantua-maker, I was at work, the priſoner lodges with me; the man aſked for a porter, I called William, and the priſoner went to the door: the priſoner uſed to carry home my huſband's work: my huſband is a ſhoemaker, I did live in Ryde's-court: I live at the top of Hedge-lane now, the priſoner has lodged with me two years.

ELIZABETH HEATH *ſworn.*

I live in New-ſtreet, Fetter-lane, I have known the priſoner between ſix and ſeven years, I work at my needle; I was at Mrs. Cooper's houſe at the time he was called down, I went there with ſome needle work, and I ſaw the man ſtand at the door, he came and aſked if there was a porter lodged there, and ſhe ſaid, yes, and ſhe called him down, and he went to the man: the man had a bundle under his arm.

NICHOLAS THOMPSON *ſworn.*

I am a ſworn appraiſer, houſe-broker, and undertaker, I have known the priſoner between two and three years, and employed him as a porter; he behaved honeſt.

Hatt. My Lord, this Mrs. Heath is the priſoner's ſiſter, ſhe came to my maſter's the next morning to beg favour.

Court to Heath. Is the priſoner your brother?—Brother in law.

Did you go to the proſecutor's?—No.

Are you ſure of that?—Yes; I met the coachman on the road, but I did not go to his houſe, he told me he had been for the hammer cloth, and the Juſtice would not let him have it.

How came he to know you?——I have ſeen the carriage before at the houſe, I have lived in families, and it is common to ſay, there goes ſuch an one's carriage.

Hatt. I ſaw this woman at my maſter's door, talking to the footman.

Heath. I was in that ſtreet that morning,

ing, I was by the door, upon the ſtep of the door, I was not in the houſe.

Was you ever there before?——Never, but once, I went there after a place: I went into th ſtreet thinking to ſee ſome of the ſervants, if they would tell me any thing about it; I went into Piccadilly to No. 13, I was up that ſtreet.

Coachman. She was at the door with a child in her arms, and was there over night.

Court. Was you there over night?—Yes.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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505. THOMAS STRUTT was indicted for feloniouſly ſtealing, on the 28th day of March laſt, one leather pocket book, value 6d. the property of a perſon unknown.

THOMAS SMART *ſworn.*

I was ſtanding in St. Paul's Church-yard, whilſt the Lord Mayor was paſſing in the ſtate coach, and I ſaw the priſoner and another run againſt a ſeafaring man, and the priſoner with one hand opened his pocket, and took out a black leather pocket book, and put it into his boſom; I ran after him, and at the corner of the Old Change, I caught hold of the ſkirts of his coat, and he threw down the pocket book, I ſtoop'd to pick it up, and he jumped out of my hands, the owner of the pocket book came after me, and I gave it him, I did not aſk him his name: the priſoner got away for that time: I ſaw the priſoner again on the Wedneſday following, I was at home in the Old Change, and Deputy Clements ſent for me: I am ſure the priſoner is the ſame man.

Priſoner. I am not the perſon.

ROBERT SEABROOK *ſworn.*

I was ſtanding at the top of Cheapſide, and I ſaw the priſoner pick a gentleman's pocket of a black leather pocket book, he got off then, but I ſaw him the next day and gave information, and he was taken, I have no doubt of his perſon.

THOMAS WARREN *ſworn.*

I was doing duty in Cheapſide, and I was informed of the priſoner having taken a pocket book the day before, and I ſaw him attempting to pick pockets and huſtling, I took three old handkerchiefs from him.

Priſoner. Thoſe three old handkerchiefs were my own, I know nothing of the pocket book, I have had people here all the week.

GUILTY

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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507. PETER DOYLE was indicted for feloniouſly ſtealing, on the 21ſt day of March laſt, one iron twivel with a wooden handle, value 5s. and one piece of iron with a wooden handle, called a key, value 5s. the goods and chattles of the Governor and Company of the New River brought from Chadwell and Amwell to London.

Priſoner. I borrowed the things to do a temporary job, and when I came to Fleet-Market, I bethought myſelf I had done a wrong thing, and I was going back with them: I had no tools, and I did not intend to keep them; the job was for one Kennedy in Fleet Market; I have *a character, he is here every day all laſt week.*

GUILTY.

Whipped.

Tried by the firſt London Jury before Mr. RECORDER.

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508. JOSEPH WELDIN was indicted for feloniouſly ſtealing, on the 17th day

day of March laſt, one pewter quart pot, value 20d. the property of Ebenezer Brown.

The Proſecutor was called on his recognizance and not appearing the priſoner was

ACQUITTED.

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509. JOHN HALE was indicted for falſly and feloniouſly making, forging, and counterfeiting, on the 28th of February laſt, a certain deed with a certain mark thereunto ſubſcribed, purporting to be the mark of one Thomas Mark, and to be a letter of attorney, and to be ſealed and delivered by the ſaid Thomas Mark, with intent to defraud Robert Raſhleigh and Co.

A ſecond count, For uttering the ſame with the like intention.

Vernon Lee, was called on his ſubpœna, and there being no other evidence, the priſoner was

ACQUITTED.

Tried by the firſt London Jury before Mr. RECORDER.

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510. WILLIAM THORLEY was indicted for feloniouſly aſſaulting John Newens, on the King's-highway, on the 28th day of March laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one ſilver watch, value 50s. his property.

There being no evidence to affect the priſoner, he was not put on his defence.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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511. JOHN WEBB was indicted for feloniouſly ſtealing on the 11th day of December laſt three buſhels of coals, value 3s. one trivet, value 10d. one hanging iron, value 6d. five pounds weight of tallow candles, value 3s. two linen glaſs cloths, value 1s. and two linen knife cloths, value 6d. the property of Thomas Iſherwood, Eſq;

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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512. JOHN LEAF was indicted for feloniouſly ſtealing, on the 23d day of March laſt, ſeven ounces weight of bohea tea, value 2s. the property of the United Company of Merchants trading to the Eaſt Indies.

RICHARD NOBLE *ſworn.*

I am an officer ſtationed at Fenchurch-ſtreet tea-warehouſe; the priſoner and Henry Holding came into into the yard with one of the elders, and Holding deſired me to go with the priſoner to the warehouſe-keeper, and when we came in Holding ſaid the priſoner had ſome tea, and he took it out of the priſoner's left hand coat pocket, it was what we call congou tea, it was weighed, I have had it ever ſince.

Mr. Garrow, Priſoner's Council. How long have you known Holding?—I have been in the warehouſe ten years, he was there then.

Do you know any thing of his character?—Nothing at all.

How long have you known the priſoner?——I have known him ſince he has been in the warehouſe; I have heard that the priſoner was ſubject to fits, ſince he was elected and brought before Mr. Stockdale the warehouſe-keeper; he looked like a man then that did not know what he had done, I heard a day or two after that he had had a fit juſt before this happened.

HENRY

HENRY HOLDING *ſworn.*

I brought the priſoner to the laſt witneſs on the 23d of March, as I was croſſing through one of the rooms, where we lay down the teas for inſpection among the brokers, I ſaw the priſoner take the tea out of a cheſt, and put it into his pocket in a ſmall bag, he told me he was going to get ſome nails; his buſineſs was to go and fetch the nails and return without going up one of the allies where theſe cheſts were laid open for ſhew; I immediately told him he had been doing that which was very wrong, and inſiſted upon ſeeing what he had in his pocket, I found it was tea, and I took him down to Mr. Stockdale; I never heard the priſoner was guilty of any thing of the kind before; he has been in the warehouſe about ſeven or eight months; I am credibly informed he is ſubject to fits, but my buſineſs lays in another part of the warehouſe.

Mr. Garrow. What reward do the company give for the detection of theſe ſort of pilferers?——I do not know, I never received any.

Do not they give a guinea?——It is ſo ſtuck up on the ſtair-caſe.

How long have you been in the warehouſe?—Upwards of ſix years.

Was there any thing remarkable that made you leave the keys?—No.

You was a tobacco merchant?—No, Sir, I dealt in it in the retail way, I never hawked it about, I have a hundred cuſtomers now that deal with me.

PRISONER's DEFENCE.

I do not know any thing about the bag, or putting tea into it, or whether he took it from me I cannot ſay, I was in a fit juſt at the time, and after that I cannot pretend to ſay that I remember five minutes that are paſt.

DAVID ROBERTS *ſworn.*

I live in the Hay-market, I am a tavern-keeper, I have known the priſoner about eleven years, he is a very honeſt man, he uſed the blue poſts in Maiden-lane, which I kept formerly, and many reſpectable people came there; he is ſubject to fits, but I never ſaw him in any.

Court. From your own obſervation, what is his capacity now?—I believe very weak in his head, very weak indeed.

RICHARD MARTIN *ſworn.*

I live at Lambeth; I have known the priſoner about nine months; I have lived in the pariſh ſeven years, I never heard the leaſt thing againſt him; I was coming with him about five or ſix months ſince, and juſt as he came to the Dog and Duck he dropped down in a fit; he ſeemed to be almoſt ſtrangled all of a ſudden, it held him about a quarter of an hour, and his head appeared very wild, and very diſordered after for ſome time.

JOSEPH SHOVE *ſworn.*

I have known him ſixteen years, he is a very honeſt man, but ſubject to fits.

Court. Do you mean that fits have diſturbed his capacity and underſtanding?—I think ſo, ſtupified quite.

You look upon him now to be a weak man?——Very weak Sir, I always did.

JOHN FOREMAN *ſworn.*

I have known the priſoner twelve years, he is a very honeſt man, his general ſtate of intellect is quite weak, he has not known what he has done for two or three hours together.

PETER CAPPER *ſworn.*

I have known him upwards of five years, I have often ſeen him in fits, I ſaw him in that fit which Mr. Martin ſpoke of; he always bore a very honeſt character; his head, after ſome fits, continues very bad for three, four, or ſeveral hours; the general ſtate of his head is weak.

JOHN ARNOLD *ſworn.*

I have known him about eight or nine years, his general character was that of a very honeſt man; I have had an opportu-

hity of judging of his head; when I firſt knew him I thought he was in a ſtate of intoxication frequently; but I have ſeen him early in the morning, and walked with him to town in the month of January, before it was light, and he talked then in a rambling way; I think him a man weak in his head, and diſordered in his mind.

JAMES WORCESTER *ſworn.*

I work in the warehouſe with the priſoner; I was at work on the day the tea was found; I ſaw him about an hour and a quarter, as near as I can judge, I went to him, and ſhook hands with him; he was leaning upon a cheſt; I ſaid, how do you do Leaf? his eyes were fixed, never a word; how do you do old boy? ſays I; never a word; I went and told a man there that he was certainly mad, and the man ſaid he had ſpoken to him, and he gave him no anſwer: I have ſeen him in fits twice, and held him up; the laſt I ſaw him in, was at Fenchurch-ſtreet, juſt by the warehouſe; I am very ſure he is not in his ſenſes at times.

WILLIAM CHAMBERLAIN *ſworn.*

I remember this tranſaction, the priſoner appears to me not to be right in his head, he has a ſtupidity about him at times.

Court to Noble. Had you any converſation with the priſoner when you went with him to the warehouſe-keeper?——Not a word.

Did the warehouſe-keeper ſay any thing to him?——No farther than he turned the bag out, and he aſked him if it was a bag for the purpoſe; and the priſoner told him no, it was a bag that he brought his bread and cheeſe in.

Jury. Did there appear to be any crumbs in the bag, as if bread and cheeſe had been in it?——I did not obſerve.

Court. Did the warehouſe-keeper aſk him how he came to take the tea?——He aſked him what buſineſs he had in the warehouſe? and he ſaid he was going for nails; he gave his anſwer with a good deal of heſitation.

Did he appear to you to know what he ſaid?——Upon my word I really think he did.

Jury. Turn it out in your hat, and ſee if there are any crumbs of bread and cheeſe in it?——If there were any they might be left behind on the paper, the tea has been weighed in a ſcale once or twice.

(The tea was turned out, but there appeared no crumbs.)

Court. Do you know whether that bag really belonged to him or not?——No I do not.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Baron EYRE.

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513. JOHN THOMAS WILKINSON was indicted for indicted for feloniouſly ſtealing on the 4th day of December, four pieces of baize flannel of the length of 184 yards, value 10l. the property of John Bracken and John Wilkinſon.

THOMAS CURETON *ſworn.*

I am porter to Meſſrs. Bracken and Wilkinſon, in Packer's-court, Coleman-ſtreet; on the 4th of December I was to carry four pieces of flannel to High Holborn, Bloomſbury-ſquare; I ſet off about five, and at a quarter after five I reached the pitching-block in Holborn, the corner of Bartlet's-buildings, about five minutes after the priſoner came and pitched this box, there was a little bit of paper parcel at the top of the box; he ſaid nothing to me nor I to him; preſently a gentleman came out of a lottery-office two doors from the pitching block, with a ruffled ſhirt and a two curled wig, and a pen ſtuck in his ear, he had a letter in his hand, and aſked the priſoner to take the letter, and the gentleman ſaid he would give him ſix pence, and bid him come into the lottery-office; the priſoner gave me charge of his box and my

my own alſo, and ſaid when he returned he would give me ſomething to drink, a glaſs of gin or a pint of purl, or ſomething of that, he ſaid he ſhould ſpend the money; he returned in three minutes, and he went into the lottery-office, and returned with ſix-pence in his hand, and he ſaid now be ſo good as to go and order a pint of purl with a pennyworth of gin in it, for us to drink, for it is a very cold night, as you have taken care of the things; I was gone about five minutes, and when I came back I found the priſoner and my load gone, and this box which the priſoner pitched left; I took an officer immediately into the lottery-office to take this man into cuſtody, thinking he might have connections with the priſoner, and there was not ſuch a perſon there; I then returned to my maſter's houſe, and went up to Sir Sampſon Wright's and opened the box in the preſence of Sir Sampſon, it contained nothing but brick-bats and ſtones; in the paper parcel there was a piece of woollen rag, and a child's old bedgown and bits of blanket; I never got my flannel again; I ſaw the priſoner again about two months after, I ſaw him at the bar at Guildhall, charged with ſome other offence, I went to look at him in the Compter, and I ſaid I knew him.

Mr. Garrow, Councel for Proſecution. Look at the man, be extremely cautious?—I have not the leaſt doubt, I could not reſt till I had told it; my heart is quite eaſy that he is the man.

To Proſecutor. How long had you an opportunity of ſeeing this man at the time you loſt your load?—It was full ten minutes, the gentleman from the lottery-office did not come for ſome minutes after we ſtood there.

Are the brick-bats there?——No, Sir, they tired me to carry them, and I did not like to carry them any longer: the flannel I loſt was my maſter's property.

Priſoner. I am come here with a reſolution to ſpeak the truth, and nothing but the truth; I am a man that is low in circumſtances, nevertheleſs I have no manner of doubt but you, my Lord, and the gentlemen of the Jury will ſee equal juſtice done by me, as if I was a man of property; if I ſhall deny any queſtion that ſhall be demanded of me, them, my Lord, and gentlemen look upon me in a bad light.

Mr. Peatt, Priſoner's Councel. You ſaid you was gone for this beer and gin about five minutes?—Yes.

Then upon the whole you was only in company for five minutes?—No.

The priſoner did not ſay much to you?—No; he was dreſſed in a brown great coat, and a white apron.

When you ſaw the priſoner at the Poultery Compter, did not you ſay you was ſorry for what you had done, and that you was convinced he was not the man?—No, I told him I believed he was the man that robbed me.

Did not you ſay that now you ſaw him by day light, you was convinced he was not the perſon?—The priſoner ſaid, how can you ſay ſuch a thing, I was bad with a canker in my mouth, and he brought out a ſheet of paper, and there was his name upon it.

Did not you ſay at the time you ſtood with him at the Poultry Compter that now you ſaw him by day-light you was convinced he was not the perſon, or words to that purpoſe?—I told him I was ſure he was the man.

Was you examined upon oath by the Magiſtrate?——I was.

You are quite clear of that?—Yes.

Did not you ſwear you did not recollect him?—I wiſhed to have a little more recollection.

Did you at any time during the examination ſay he was not the man?——I did not.

Did you ſay before the Magiſtrate he was not the man?——No, Sir.

Recollect yourſelf, my friend, come remember what you are about, and pay ſome more attention than you did to your maſter's goods?—Before Alderman Boydel I told him I did not believe he was rightly the man, but I wiſhed to have a little more conſideration.

PRI-

PRISONER's DEFENCE.

I was called before the Alderman on Tueſday the 2d day of March, it was the 1ſt day of March he came into the lodge, and called for a pint of beer, and let ſome few words drop concerning me; about half an hour after five the ſame evening, the proſecutor and that gentleman came and ſent for me to the lodge, then he aſked me if I knew him, I told him to my knowledge I never ſaw him before; he told me, on the 4th of December he pitched a parcel there, and I was the man that took it; I told him he was miſtaken; he told me the whole ſtory, and ſaid he would ſwear to it; I told him it was a very critical point where life was concerned; the next morning, about half an hour after nine, the proſecutor came to the place, and called me, and ſaid he was ſorry for what he ſaid over night; but when he came to look at me again I was not the man; he ſaid it was very hard upon him, for his maſter threatened to arreſt him for the property loſt; I told the Alderman that I was a very remarkable man, and if the man could ſwear to me he might; the Alderman ſaid that was very fair, and aſked him if he could ſwear to me; no ſuch thing; I was diſcharged, but remanded till I got people to my character; I was ordered up on Saturday without a hearing, then on the Monday I got my friends to appear, then I was ordered into cuſtody; then the proſecutor ſaid he would ſwear I was the man that left the box there, but that he would not ſwear I was the man that took his bundle.

JOSEPH HEMMINGS *ſworn.*

I am a watch and clock-maker, I have known the priſoner between four and five years, he is an honeſt, induſtrious, hard-working man; I have employed him, he always behaved well.

Court. How long has he had that impediment or difficulty in ſpeaking?—It has been coming on for years; it has been very bad for the laſt twelve months.

Was his difficulty in ſpeaking before Chriſtmas as bad as now?—Not quite ſo bad.

Was it ſo bad as to be noticed?—Very much ſo.

The priſoner called two more witneſſes who gave him a good character.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Baron EYRE.

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514. WILLIAM GIBBONS was indicted for that he, on the 8th day of March laſt, feloniouſly did convey and cauſe to be conveyed into the priſon of Tothill-fields Bridewell, one large ſtick with an iron ſocket, and one large rope fitted to the ſame, being an inſtrument proper to facilitate the eſcape of priſoners, and did deliver and cauſe to be delivered, the ſame to one William Stewart, being then a perſon committed to the ſaid priſon, and detained there for felony and burglary, without the conſent and privity of Alexander Fenwick the governor and keeper of the ſaid priſon; with intent to aid and aſſiſt the ſaid William Steward to make his eſcape out of the ſaid priſon.

The caſe was opened by Mr. Silveſter, of Counſel for the proſecution.

The witneſſes examined ſeparately at the requeſt of Mr. Peatt, Counſel for the priſoner.

ALEXANDER FENWICK *ſworn.*

I am keeper of Tothill-fields Bridewell, I have a warrant under the hand writing of Sir Sampſon Wright, for the commitment of William Stewart; there was no other in that warrant but Stewart.

(The warrant read ſigned Sampſon Wright.)

"Weſtminſter to wit. To the governor "of Tothill-fields. Receive the body of "William Stewart, herewith ſent you, "brought before me by Patrick M'Manus, "charged on the oaths of John Wadding-

"ton

" ton, and Patrick M'Manus, on ſuſpicion " of burglariouſly breaking the dwelling- " houſe of Robert Snow, and him ſafely " keep in your ſaid cuſtody for further ex- " amination on Wedneſday next, or untill " he is diſcharged, and for ſo doing this " ſhall be your ſufficient warrant."

Court. What, is it on ſuſpicion of burglary? the words of the act of Parliament are, " detained in any gaol for treaſon, or felony, expreſſed in the warrant of commitment."

Mr. Silveſter, Counſel for the Proſecution. My Lord, there is another caſe before you, reſerved upon this very point; the caſe before was not mentioning felony, it was the caſe of the King and Richard Walker; and there was a caſe came before all the Judges, about twelve years ago, where upon an indictment of this nature, under the ſtatute of the 16th of George II. for conveying in ſeveral things for an eſcape, it was not expreſſed in the warrant that it was for felony, and the Judges were all of opinion that it was not within the act of Parliament, and the priſoner was diſcharged; I took the objection myſelf, it was a woman that eſcaped out of the Poultry Compter.

Mr. Peatt, Priſoner's Counſel. I was firſt going to make the objection myſelf, when your Lordſhip ſpoke; I believe the caſe is very plain, if your Lordſhip will have the goodneſs to reverſe the caſe, if the facts are ſufficient againſt the priſoner.

Mr. Silveſter. The caſe that is reſerved is, a man was conveying a man to gaol, and they got out a knife, and cut him acroſs the face, and attempted to cut his throat, it was tried at Maidſtone, and the man was convicted, but it ſtruck Mr. Juſtice Gould, as it has your Lordſhip, and he reſerved the caſe.

Mr. Fenwick. My Lord, this rope and iron were found hanging down in the priſon, I was within a yard of the perſon that found it: I ſaw that found on the ſide of the wall withinſide of the priſon, joining my apartment; I haſtened by the back of the priſon to ſeek for Stewart, thinking I ſhould find the priſoner Stewart, I went to the field called Dr. Fordyce's field, at the back of the priſon, and I found this end of the rope there, the boy that ſtood before me, ſaid, I ſaw the man that goes about with bull dogs here about ſeven, and another ſaid, that muſt be Gibbons; a handkerchief was found the next morning, the irons were found in the priſon, cut off at top, and the other brought back by two people.

Who found that iron in the priſon?—My turnkey, he is not here; I ſaw the priſoner on the Wedneſday afternoon, he came down with another man, the eſcape was on the Tueſday.

Mr. Peatt. You did not find thoſe irons yourſelf?—No.

Nor you did not ſee any perſon make uſe of that rope and ſtick?——No.

Is that rope and ſtick in the ſame ſtate in which it was found?—Yes, the priſoner was ſtopped by my turnkey; when we taxed the priſoner, he ſaid, it was very unlikely he ſhould be the perſon that ſhould affiſt Stewart out, and then come down there afterwards.

THOMAS PEARCE *ſworn.*

I keep a public houſe about ten yards from the gaol, I ſaw the priſoner on Tueſday the 8th of March, about half an hour after two go into the gaol, and come out about five.

Who was in the gaol then?—I cannot tell, I heard about half after ſeven, Stewart eſcaped, I happened to be at that time at Dr. Fordyce's gardens with their people, I ran into the garden ground, the north-weſt part of the goal, and this part was hung down into the gaol, and the other part was hanging into the garden ground, this handkerchief.

Is that a thoroughfare?—No, it is a private garden, this knife was found on the priſoner when he was taken into cuſtody.

Mr. Fenwick. I ſaw the handkerchief picked up, and ſomebody ſaid it was Stewart's.

When the priſoner was taken up, did

he say who he was in company with?——No.

Mr. Peatt. In whose poſſeſſion has that rope been?——Mine.

WILLIAM BRIANT *ſworn.*

I am a turnkey, I ſaw the priſoner come in the gaol on the 8th of March, between two and three, he was walking with Stewart to and fro, I do not know what time he went out, he did not ſpeak to me, he ſpoke to Harry Wright who is not here, I found the rope hanging down the wall.

ROBERT PASSFIELD *ſworn.*

I live with Mr. Price, I know the priſoner, I ſaw him walk out of the gaol about five, and go the outſide of the gaol towards Collins's, after that I ſaw him very near ſeven o'clock, in Dr. Fordyce's field over the corner upon the bank.

How near did you ſee him from the wall of the priſon?——About a hundred yards from where the priſoner got out, there is no foot way there, I did not know what he was about; I am ſure that was the man, I am poſitive of it, I knew him two years ago, he goes out with bull-dogs.

Mr. Peatt. What account did you give of this buſineſs before Sir Sampſon Wright at the firſt hearing?——Quite the ſame I do now.

You are ſure of that?——Yes.

Did you tell Sir Sampſon, that you was not ſure as to the perſon of the priſoner?—I ſaid, I was ſure that was the man.

Mr. Peatt. You are quite ſure you did not expreſs any doubt before Sir Sampſon Wright, as to the priſoner's perſon?—Yes.

Recollect yourſelf?——Yes, I am ſure I ſaid, that is the perſon I ſaw in Dr. Fordyce's field.

And during the whole examination you expreſſed no doubt?——I ſaid that was the man.

Did you ſay you thought he was the man, or that you believed he was the man?——I ſaid, I believed he was the man.

Court. It is reduced into writing here. *(Reads)* "The ſaid Robert ſays, that on "Tueſday laſt, between four and five in "the afternoon, he ſaw the priſoner walk-"ing on the outſide of the priſon, between "ſix and ſeven, he ſaw the ſaid Gibbons "again ſtanding ſtill in the corner of For-"dyce's field, in which there is no tho-"roughfare."

Mr. Peatt. There is no foot-path where he ſtood?——I have been partly all over it, and there is no foot-path in it.

What was you doing in the field?——I was rummaging ſtraw in the next field.

Are there not path ways among the flower beds?—Not where that man ſtood.

Mr. Pearce. Where the boy ſtood, and where the priſoner was, there was neither path nor road.

Mr. Peatt. Have you ſeen other people there at different times?—No, only them that belong to it.

Court to Fenwick. He had eſcaped at ſeven or a quarter paſt ſeven?—Yes.

Mr. Peatt. Had you any reaſon for knowing it was that time?——I think it muſt be about that time.

PRISONER's DEFENCE.

I went into this gaol, on Tueſday to ſee one William Brown, and likewiſe I had a meſſage to deliver from a publican in Swallow-ſtreet, about a man that was quartered there, and hitting a man over the head with a quart pot, and I went there to ſee if I could get the man out, I went in the gaol, and as ſoon as I got in the gaol, Wright ſtopped me for aſſiſting Steward, then he ſent for the boy, and he ſaid I was the perſon, he thought he ſaw me about there, and in the morning before Juſtice Gilbert he ſaid, I believe it is, I think it is; ſays the Juſtice, you muſt be ſure, no, ſays he.

THOMAS PRYER *ſworn.*

On the 8th of March, I went to ſee the priſoner's brother to drink a diſh of tea; about ſix in the evening, he aſked me to take a walk to ſee the houſe he was building, and when I came down there, he miſſed ſomething, and he deſired I would take

care

eye of his house. I ſtaid there about two hours, the priſoner came there to ſee for his brother, and they aſked him to go to a chair club.

What time did the priſoner come there?—About twilight, I believe, as near as I can gueſs it was between ſix and ſeven; the priſoner ſtaid there three quarters of an hour, as near as I can recollect.

Where was this houſe?—In Margaret-ſtreet, down the back of High-ſtreet, Mary-le-bon; I ſuppoſe a mile and an half, or near two miles from Tothill-fields.

Mr. Silveſter. How came you to recollect?—My brother informed me he was taken in cuſtody, and deſired I would ſpeak what I knew.

Did you attend before the Magiſtrate?—Yes.

Was you examined?—Yes.

Did you tell him the ſame ſtory?—Yes, before Sir Sampſon, and before Mr. Addington.

What makes you recollect the hour?—I cannot tell what makes me recollect the hour, but I am poſitive of it, it was twilight.

Whether it was near ſix or ſeven you cannot tell?—It was half paſt five when we came to the priſoner's brother, and I ſuppoſe it might be three quarters of an hour after that I ſaw the priſoner.

How long did he ſtay there?—As near as I can tell three quarters of an hour; I had no watch nor clock, I only recollect the day from the circumſtance I am called here upon.

Was it the 5th or the 6th?—It was the 8th, I recollect by the ticket, I read it, as near as I can recollect it was, 'deſire the favour of your company to come and ſpend the evening at a public-houſe in Swallow-ſtreet,' I do not remember the ſign.

When were they to meet at this club?—The ſame evening, I believe.

What, do not you know?—I am ſure the ſame evening, I will not be poſitive to the ſign, but it might be the crown.

Court. The priſoner came to enquire whether his brother was at home; did the brother go with you to ſee the building?—Yes, and he went away directly; he deſired I would look at the place, and ſee how far he had got.

Then you ſtaid very near two hours at the building?—He deſired I would ſtay there till he came back.

What time did the brother come back?—Not above a quarter of an hour after the priſoner went away.

What time did the priſoner go away?—As near as I can recollect it was between ſeven and eight, he had been with me all that time.

What could induce you to ſtay two hours there, when one hour of that muſt be quite dark?—There was a fire to ſit by.

There were none of the workmen there?—No, I was never long acquainted with the priſoner, his brother is ſomething in the coach way.

What was he building this houſe for himſelf?—Yes, I believe the priſoner is ſomething in the ſame branch, but I do not know.

Priſoner. I am a coach-maker.

The priſoner called four witneſſes, who gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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511. PATRICK BURGESS otherwiſe EDWARD WHEELER was indicted for feloniouſly uttering and publiſhing as true, on the 11th of January, a certain falſe, forged, and counterfeited power in writing, with the name William Place thereto ſubſcribed, purporting to be ſigned by him, a ſeaman, on board the Termagant, and to be a power by the ſame William Place, from the 24th of December, 1780, to the 1ſt day of January, 1781, for the payment of certain prize-money then ſuppoſed to be due to the ſaid William Place, for

for ſervices done by him on board the ſame ſhip, in order to receive certain prize money then ſuppoſed to be due to him, knowing the ſame to be forged, with intention to defraud Robert Raſhleigh and Co.

The Caſe opened by Mr. Silveſter.

HENRY THOMPSON *ſworn.*

I am clerk to Meſſrs. Raſhleigh and Co. the priſoner came to our houſe on Tueſday the 11th of January laſt, about three in the afternoon, he came into the compting-houſe, and on ſeeing me he was coming up, I called out to him if he was coming for prize-money, he was too late that day, I was particularly buſy in counting dollars, and I did not wiſh him to come near me, he ſaid he had an order, or a power, I cannot ſay which, to receive prize-money, and he ſeemed to be going out, when Mr. Turner, one of the partners called to ſee his authority, upon which he gave him the order; Mr. Turner ſaid he believed it was a forgery, and deſired me to call Mr. Raſhleigh, who immediately came out of the other compting-houſe.

—— TURNER *ſworn.*

I received this paper from the priſoner, I examined the prize liſt, there was no money due to this man of the name of Place, it appeared that the fourth payment was made, and the mark of William Place put as a receipt at the time of payment.

Thompſon. I paid Place two pounds ſix ſhillings the laſt payment, he made his mark.

Mr. Turner. I called Mr. Raſhleigh, and ſaid I ſuſpected it was a forgery.

Mr. Keys, Priſoner's Councel, to Mr. Thompſon. Did you pay Place any money before?—He had been paid two or three times.

Then you cannot ſay that he cannot write, all that you know is, that he made his mark?——Yes.

ROBERT RASHLEIGH *ſworn.*

I was called into the compting-houſe and informed that a perſon was preſent to receive prize-money, and they ſuppoſed there was a forgery; I went into the compting-houſe to ſee, and ſaw the priſoner, and ſhewed him this paper, and aſked him how he came by it, as it was dated Plymouth; he told me he received it in a letter from Plymouth; I aſked him where the letter was; he told me at his lodgings; I aſked where his lodgings were; he told me at the White Lyon in St. Catherine's, I think that was the anſwer he gave; I then left him in the compting-houſe, and went for a conſtable, the conſtable came, and I charged him with the priſoner, on a ſuſpicion of forgery, in uttering this note: I deſired the conſtable to go with him to his lodgings; and if they found the letter there and the matter clear, I had no objection to the priſoner's being releaſed, becauſe I thought it would be a proof that he had come by it honeſtly; on the ſame day, and nearly at the ſame time I referred to ſome letters I had received from Mr. Nicholls, the Mayor of Plymouth, to compare it with the will.

Was the priſoner preſent?—I think he was.

Mr. Keys. He did not know what you did.

Court. Did he know you was comparing the hands?—I cannot ſay; here is the power of attorney, William Place has here put his mark, Mr. Thompſon paid him.

Mr. Keys. I believe you aſked the priſoner how he came by this after that?—Yes.

Court. Did he come back again after he had been to ſearch?—He was carried to the Compter immediately.

Had you any converſation with the priſoner after?—Yes, I had.

I believe in that converſation you required him to tell the truth, how he came by this order to receive the money?—I did, and his account of it was that he received it from one Joſeph Eagan, at a public-houſe, a little above that houſe; Eagan was ſent for upon that, and taken into cuſtody, but he was afterwards diſcharged for want of

ſufficient

ſufficient proof; the priſoner ſaid there was another man that would prove it; he ſaid, he had been a taylor, he ſaid Eagan had drawn it; the priſoner had before received money on powers of attorney; and I aſked him where theſe powers were; he ſaid they were altogether at his lodgings; the priſoner is a taylor or ſlopman, he had often been at our houſe before, and had always ſigned his mark.

Mr. Keys. Did he ſay Eagan owed him any money?—No, the priſoner made this kind of declaration, with the view of turning King's evidence.

WILLIAM PRICE *ſworn.*

I was on board the Termagant till ſhe was paid off, from the time ſhe was put in commiſſion; I know William Place, to my knowledge he could not write, I always ſaw him make his mark, I have wrote letters for him, the ſhip has been paid off two years, but whether he has learned to write ſince, I do not know.

Mr. Silveſter to Mr. Thompſon. How long before this had you paid Place?—— The 27th of September.

JOHN PAGE *ſworn.*

I knew Mr. Nicholls, the Mayor of Plymouth, for fifteen years, I have ſeen him write conſtantly.

Is that his hand writing?——It differs very much from his uſual mode of writing.

Do you believe it is, or it is not his hand writing?——I believe it is not.

(Read, and the indictment examined by Mr. Keys)

Signed William Place, "Plymouth, January the 2d, 1785, Pleaſe to pay the prize money due to *me*, (or *ms.*)

Mr. Keys. It is clearly *ms.* here, for his Majeſty's ſhip Termagant, *wiſch*, (for which) this ſhall be your diſcharge, William Place.

Court. It is a fair ſimile.

Mr. Keys. I think it is hardly ſo much, my Lord; there is to be ſure a tolerable imitation.

Mr. Silveſter. The Jury will judge of that.

Priſoner. I deſire to have my witneſſes called; I have nothing particular to ſay.

The priſoner called twelve witneſſes who all gave him a very good character; and one of them ſaw Eagan deliver him a ſtamped paper in part of payment for clothes.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. Juſtice NARES.

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512. GEORGE REYNOLDS (a child of ten years old) was indicted for feloniouſly aſſaulting Henry Skinner on the King's highway on the 14th day of March laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, twenty-four pair of cotton ſtockings, value 3l. and ſix pair of brown cotton ſtockings, value 20s. the property of Robert Cox.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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513. JOHN HARFORD was indicted for feloniouſly ſtealing on the 6th day of March laſt, one plate of glaſs, in a wooden frame, covered with hair ſhag, value 18s. the property of Penelopy Cholmondeley; and one great coat, value 5s. the property of John Thomas.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

514. JOHN BARLOW was indicted for that he feloniously did receive, harbour, and maintain one Edward Payne, knowing him to have committed a felony, of which at the sessions held in January last, he was tried and convicted.

The Indictment opened by Mr. Garrow, and the Case by Mr. Silvester.

The Record produced and read by Thomas Shelton, Esq; Clerk of the Arraigns.

ROBERT TAYLOR, Esq; *sworn.*

I was one of the owners of the ship Elbe, I went to the prisoner's house; I had an information that Payne, who has since been convicted and executed, was concealed there; I went on the 31st of October, it was some time after the robbery; the prisoner's house is down an alley in Half-moon-alley, an obscure place; after rummaging every room in the house, he told me I was a day behind the fair, or a day too late, for he was gone one hundred miles out of town.

What was the amount of the robbery?—Twenty-seven or twenty-eight hundred pounds, about two thousand five hundred pounds in dollars.

Mr. Scott, one of the Prisoner's Council. Who was it that made the first application that you received respecting Mr. Barlow?—I believe it was Mr. Samuel, the proprietor of the watches; I went myself the first morning.

Did you acquaint Mr. Barlow what your business was?—There was myself, Mr. Samuel and his son, and they had two or three constables; I went to find Payne, at the first sight I had no idea of Mr. Barlow having any of my property; I sent a message by my servant, and he came to me.

When you sent your servant, did you send word what business you wanted him upon;—I believe I did not, but my man knew the business; Mr. Barlow came the same morning voluntarily; I asked him to refund the money, he said he had none; I went then to Sir Sampson's immediately; and I believe he was sent for to Sir Sampson's; I believe he came there voluntarily, there was no warrant.

What was desired of him at Sir Sampson's?—He was questioned relative to the property, why he did not give up the property; he was required to give up eighty pounds.

Was he told if he would admit having the money in his possession that he would be discharged?——He denied having it, as far as I recollect; I recollect the circumstance of the girl charging him with the delivery of the money, so much in cash, so much in bank notes, tied up in a particular manner; it was upon his examination before Sir Sampson; the girl's name is Mary Ann Garrett; he admitted receiving the gold, and as many of the bank notes as he returned; he had returned forty-four guineas, and some bank notes before this, and said he did not know the contents of this; it was tied up with a bit of string, and he knew nothing of the contents of that parcel.

CHARLES GOLDSMITH *sworn.*

I have known the prisoner twelve months last January, intimately as brothers almost; I knew Edward Payne as well as I know Barlow, I was at Barlow's house every day in October last; I always understood this Payne was a thief, that he got his living by robbing on the water; I have frequently been in his company half an hour, and he used to say, I must go to work to night, that was, I must go a thieving; he used to say, I have appointed so and so, I did not know the persons, but after I heard of the robbery of the ship Elbe, when I heard it I said to my wife, damn it, I will lay a guinea that Payne is in that robbery; I instantly went and found Payne, smoking his pipe by the side of the fire; when I went in nobody was in the room but Payne, and when I read the advertisement to Payne, he trembled very much at it, and was agitated very much: I saw Barlow in the entry, and said to him, I really believe Payne is

is in this robbery which is in the paper, for he trembles ſo, you would be amazed at it; Barlow ſaid, what robbery; then I went in and read the ſame advertiſement to Payne and him, then I went away, and in the afternoon I came to the window again, we happened to have ſome oyſters for ſupper, and Payne, and Barlow, and my brother and me joined together, we had half a buſhel; I ſtaid there till eleven, then went home; as ſoon as I was up in the morning Payne was there, and the next morning alſo; I ſuſpected he lay there, but I did not know it at that time; the very next day I came down to the door, there was Payne with Mr. Barlow's red coat on, and a hat, I will ſwear to the coat; then I ſaid to Payne, why Barlow's coat fits you like a ſmock frock, it touches your heels; there was a fight at Iſlington, and I ſaid Payne will you go and ſee the fight; and Barlow ſaid no, there will be too many eyes there, that was the day before he went off: I ſaw ſome gentlemen come after Payne, and when they aſked for him, I heard Barlow ſay, you are come too late for the fair, I went with Barlow to ſee if Payne had got off ſafe, or if not, Barlow ſaid, he would tell him to get off directly; there were three or four of us went; ſays he, he is not affraid of little ſpider, but he is afraid of Dolfin; ſays he, he ſays he is not afraid of tranſportation, he is only afraid of being hanged; he could not bear to be hanged.

Was that before Payne went off?—Yes, more than twenty times before Payne went off.

Who was this ſpider?——I believe May Cooke.

Mr. Fielding, another Council for the priſoner. You have known the man at the bar eighteen months?——Yes.

Habits of intimacy all the time?——No, there has been ſome coolneſs between us ſince Payne's affair, I never was out with Payne but once.

What robbery did you commit then?—You do not underſtand me ſo; I never was out with him but once to ſpend the afternoon.

But you knew him for eighteen months, and always ſuſpected him for a thief.—No, no, you run on too faſt for me; I ſuſpected him to be a thief a conſiderable time before this.

How came it you did not inform ſome Magiſtrate that he was at this houſe of Barlow's?—I had ſomething elſe to do, I have four children to work for.

You made one of the party at oyſters, now how came you to ſup with him?—I ſupped with Mr. Barlow.

How long was it before you became acquainted with Mr. Taylor?——Laſt Friday.

How came he to find you out?—Aſk him, you ſhall not have it from me, I do not know.

How did he find you out?——Aſk him, I will not tell you, for I do not know, I was informed he ſent a man to enquire for me.

What did Mr. Taylor ſay to you when he firſt met you?—I poſitively cannot tell you the words, he aſked me my name, and I have had a ſubpœna ſerved upon me; it was nothing but what I expected, when I heard that the man had robbed the man of eighty, and ſtripped him in gaol, what could I expect.

What are you, and where do you live?——By my hands.

To what uſe do you apply theſe hands to?——To making chairs, and mending them; I live in Long-alley, Moorfields.

Have you been at work yeſterday, or the day before?——No.

What have you had from Mr. Taylor?——I have not ſeen the colour of Mr. Taylor's money yet.

You ſay you ſaw Payne at Barlow's houſe through the window?—Yes.

But at that lucky juncture when you got this glimpſe of him, anybody elſe might have had the ſame glimpſe?—Yes.

MARY ANN GARRODD *ſworn.*

Mr. Garrow. You had the misfortune to live with Payne?——I never lived with him, I kept company with him.

Did

Did you ſee Payne and the priſoner together at any time after that?——Yes, the day after the robbery, I ſaw Payne at the priſoner's houſe with me.

What paſſed between Payne and you?—I took the paper and ſhewed it to him, and he read it, he took very little notice to me about it, the priſoner adviſed me to take an empty room, or a ready furniſhed room, and he directed me to Butler's-alley, and I could not get one, we continued at Mr. Barlow's while I was ſeeking for a lodging; I think he was there three days, he was there in the back room, and locked up; ſometimes they put him in the neceſſary, when any of Barlow's girls were coming, he was put in a place of concealment; there was one girl he was affraid of, for Barlow ſaid, ſhe was a bad ſort of a body, and had lived in a bad place; on the Thurſday following this robbery, Payne brought me four guineas, and three ten and one twenty-pound note, on the Thurſday night following, and on the Friday night following he brought me forty guineas, and ſix tens and one twenty more, and he bid me take care of them, and not let Barlow know any thing of them, and he bid me good night; he went away, I ſaw no more of him till Thurſday, then he ſtaid at Barlow's till the laſt of his going off; I laid with him, therefore I know he was there; Payne was to come to dinner, but he did not, and Barlow's ſiſter came in about one o'clock, and ſhe ſaid, Poll, Ned is taken, ſhe ſaid to me, you will be ſurely hanged or tranſported for life; I went to my room and fetched theſe guineas and notes away, and I came to Barlow's and ſaid, what ſhall I do! ſays I, what ſhall I do! ſays he, ſuppoſe we put the notes into the tea kettle, no, ſays I, that will ſpoil them; this was the Sunday evening, and he put the guineas in the drawer, and ſaid, gold cannot be ſworn to; on the Monday morning I gave him theſe eleven notes, and I went to Edmonton, and his ſiſter came down, and ſaid, Ned is not taken; and I came to Barlow's houſe, ſays I, come Jack, give me my money and my papers, and I will go home, ſo he gave me the money in a ſtocking, ſays I, where are my papers, he ſaid you muſt ſtay for them till eight o'clock, and then he gave me four notes inſtead of eleven, and I came back immediately; he ſaid hold your tongue, I will go and ſeek for them, and he came back, and ſaid, he could not get them till five in the morning; ſays I, Payne will be here in the morning, and he will murder me; the next morning Payne came to this man's houſe, and Barlow came to me, and ſaid, I have got Ned.

Mr. Fielding. How long from that time was it before Payne went to Lynn, in Yorkſhire?——Upon my word I cannot juſtly ſay.

Priſoner. This woman aſked me to lend her a guinea, ſo ſhe is perſuaded to do this, I am as innocent as a child.

The priſoner called nine witneſſes who all gave him a good character.

GUILTY.

To be fined 1s. *and impriſoned one year in Newgate.*

Tried by the firſt London Jury before Mr. RECORDER.

MIS-

MISDEMEANORS.

515. JOHN FOSTER was indicted for that he, together with one Henry Sterne, not in custody, did obtain from one William Hart, the sum of 50l. three *per cents.* then of the value of 28l. 8s. 9d. to procure for him a tide-waiter's place, at the Custom-house, and fraudulently and deceitfully did pretend that the said Henry Sterne was a man of strict honour and integrity, and was head writer to the Duke of Richmond, and had the disposal of places as a perquisite to him, with intent to defraud the said William.

GUILTY, *Sentence respited.*

516. WILLIAM JAMES was indicted for obtaining the sum of four guineas by false pretences, from George Downing.

NOT GUILTY.

Those two tried by the first London Jury before Mr. RECORDER.

The Sessions being ended, the Court proceeded to pass Judgment as follows.

Received Sentence of Death 24. *(viz.)*

William Higson (executed the Monday following for murder,) James Haywood, William Harding, James Jones, Richard Clarke, Thomas Scott, Patrick Daly, Henry Wood, Sarah Whitehead, Margaret Gardener, Stephen Langdon, George Pidgeon, George Ward, Thomas Conner, George Morley, Thomas Bateman, otherwise Porker, Thomas Brown, John Thompson, otherwise Wrinkle, Patrick Eagan, otherwise Macgrath, John Henry Palmer, Mary Jones, James Hughes.

Received sentence of transportation for fourteen years, 2, *(viz.)*

Samuel Holt, and Uziel Barrah.

Received sentence of transportation for seven years, 14, *(viz.)*

William Young, (to Africa,) Peter Oberg, Ann Fowles; James Bryan Cullen, George Wilkinson, (both to Africa,) Thomas Simms, Francis Cook, Abraham Slater, John Etherton, George Gillin, William Robinson, Mary Pile, John Clark, otherwise Hosier, (to Africa,) Samuel Blackmore, Thomas Strutt.

To be imprisoned in the House of Correction, twelve months, 12.

Mary Butler, John Jones, Elizabeth Stanley, William Cheshire, Solomon Leach, Henry James, Daniel Huggins, John Cox, William Anderson, Thomas Sams, William Baker, William Bolton.

To be imprisoned six months in the House of Correction, 9.

James Price, Elizabeth Jones, John Traynor, Joseph Manning, George Chandler, Mary Lightfoot, John Mooney, Mary Simms, Mary M'Dermot, Richard Truman.

To be imprisoned one month, 1.

Sarah Davis.

To be publickly whipped, 20.

James Price, John Jones, Joseph Manning, John Hill, Thomas Samms, Samuel Toome, Henry James, Daniel Huggins, Joseph Bolus, John Bandebus, John Cox, William Holmes, James Pennel, William Baker, William Bolton, William Brown, William otherwise Thomas Roberts, Robert Maxfield, John Lesby, Peter Doyle.

John Carter, convicted at a former Sessions ordered to be transported for seven years from the time of his conviction.

*** The next Sessions will begin on Wednesday the 11th of May at the Old Bailey.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of MAY, 1785, and the following Days;

Being the FIFTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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MDCCLXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable JOHN WILLES, Eſq. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir RICHARD PERRYN, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.
Thomas Lee
Thomas Hill
Henry Jenkins
Robert Barron
William Key
Samuel Moore
James Looker
Thomas Davis
Wm. Stadden Blake
Eleazer Chater
James Goodſon
John Bowley.

Firſt Middleſex Jury.
Dodd Cooke
William Clarke
John Hawkins
John Short
John Wilton
Alexander Mackey
William Long
Joſeph Sewell
William Danſell
Paul Richardſon
John Young
William Morſe.

Second Middleſex Jury.
James Wilkinſon
Jonas Rowley
John Sherwood
James Chapman
William Goddard
Joſeph Parry
William Sturch
David Moody
William Richardſon
William Sommerwell
James Sanger
James Donne.

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522. JOHN IVEMAY, JOHN HONEY, and SAMUEL YELDHAM, were indicted for feloniouſly aſſaulting Edward Gray, Eſq; on the King's highway, on the 21ſt of April laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 20s. one ſteel chain, value 1s. one compaſs ſeal, ſet in metal, value 1s.

1s. one ſteel ſeal, with a cypher engraved thereon, value 1s. and 4s. in monies numbered his property.

The Caſe opened by Mr. Silveſter.

EDWARD GRAY, Eſq; *ſworn.*

I was coming to town about half after ſeven, in my carriage, from Hillingdon, near Uxbridge; when I came upon Ealing common about twenty minutes after ſeven, to the ſix mile ſtone, the carriage was ſtopped by one man, whom I apprehend to be Yeldham; then Ivemay and Honey came, one on the right hand, and the other on the left, Honey came on the right hand, and Ivemay on the left; the horſes heads were towards London, when I firſt ſaw Ivemay he was on the foot-path, then he drew a handkerchief over his face; Mr. Hammond was with me; I did not ſee Ivemay when he firſt came to the carriage, but he aſked for our monies, watches, and purſes; Mr. Hammond put his hand in his pocket and gave Ivemay ſome money; Honey being on my ſide, I put my hand in my pocket and gave him four ſhillings.

Was it day-light, Sir?—It was as light as it is now, except the ſun.

Had Honey any diſguiſe over his face?—Yes, over part of his face; Honey ſtood on tip-toe on the foot-path to look into the carriage, and I obſerved his perſon, his face was towards me, he then had a diſguiſe over part of his face; he ſays to Mr. Hammond, your watch; ſays Mr. Hammond I have never a watch; ſays he, I ſaw you put the ſeals into your pocket, therefore you have a watch; ſays I, no, I do not believe he has a watch, I have one, you may take mine. I am apt to be robbed, and therefore I bought a watch on purpoſe; it was a ſilver watch, and there was a ſteel chain, and a compaſs ſeal. I ſaw Honey's face, his handkerchief was not quite over his mouth, I ſaw the bottom part of his mouth very ſtrongly; I knew them both again the next morning, I might not have known them two or three months hence, but I have not the leaſt doubt now, I wiſh I had for their ſakes; I cannot ſwear to Yeldham.

THOMAS HAMMOND *ſworn.*

I was ſtopped, I know Ivemay and Honey; Ivemay aſked me for my money, I gave it him; he aſked me for my watch, I told him I had none; he ſaid, I ſaw you put the ſeals in your pocket; then your purſe; I have none; your pocket-book; I have none. Then Mr. Gray gave him his watch; he then ſaid to Mr. Gray, have you given my partner your money; he ſaid he had; then they ſhut the door, and wiſhed us a good night; they were both of them dreſſed in green; their perſons are ſo very clear to me, that I am very ſure theſe are the two young men, I cannot ſay I know Yeldham: they had both handkerchiefs, I ſaw only their chin.

Court. Did you make obſervation of the other part of their face?——I could not ſee that, but I took obſervation of their whole dreſs, it was green.

WILLIAM CHARLTON *ſworn.*

I live at Acton; I know nothing of the robbery, only the apprehending of John Ivemay, at the Cock and Crown at Acton, as near as I can gueſs, I believe about half an hour after eight, on the 21ſt of April; I ſearched him, and found upon him a towel, a handkerchief, a pocket-book, a halfpenny, a key, and ſome papers, and I believe about nine or ten ſhillings in ſilver, and half-a-guinea.

Court. How came you to ſuſpect him?——I was ſent for to go to the Cock and Crown: he ſaid he knew nothing at all about it, I detained him.

CHRISTOPHER COXFORD *ſworn.*

I live at Acton; on the 21ſt of April I was at home all day; about four, or a little after four, I ſaw them three gentlemen walk by oppoſite our houſe, they ſeemed to be in liquor, and were playing and talking as they went along, and about ſix, I obſerved two of them come back again oppoſite my houſe, the tall one, that is Ivemay,

may, and this man that ſtands on this ſide, that is Yeldham; I am very ſure theſe are the three men that I ſaw at four o'clock; I ſaw Yeldham walk back the town way, then I ſaw the tall one, Ivemay, run after him, and talk to him; at laſt the little one ſeemed to be rather in a paſſion, and would go to town; then the other man reaſoned with him, and they went down to Ealing common together; and about eight there was a piece of work about a man being taken up, and I went down, and I looked at the man, ſays I this man has got two more with him ſomewhere, for I ſaw them twice this afternoon; we went and ſearched every where, and we met three of Sir Sampſon's men, and the next morning we brought Ivemay to Sir Sampſon's, I had no doubt the next morning but theſe two men which I ſaw, were the ſame I ſaw the afternoon before; they went towards the Cock and Crown.

Jury. What coloured clothes had Ivemay and Honey on?——They had both green coats, and black breeches and ſilk ſtockings: I had ſo much time to obſerve them becauſe I was bled at twelve o'clock, as I was not well, and ſo I did not work for fear of ſetting my arm a bleeding.

EDMUND FRANKLIN *ſworn.*

A young man and me had been to Ealing, coming back acroſs the field, I ſtopped in the field, and I heard a gentleman halloo, ſtop them, they are highwaymen; I thought it was only a joke, preſently Honey and Yeldham came over the ſtile into the field where I was, they looked very hard at me, and ſeemed very much frightened; the chaiſe ſtood in the road while the two men paſſed me in the field; I ſaw the three priſoners together in Acton about ſeven o'clock, but as the priſoners were on foot, I did not think it was them, two went one way, and one the other way.

JAMES COMYNS *ſworn.*

I was with the laſt witneſs at Ealing, we had been at work, we were coming home, and getting over the ſtile, the priſoner Honey and Yeldham were coming over the ſtile, and Mr. Taylor hallooing, ſtop them, ſtop them, they are highwaymen; I ſtood ſtill, and Ivemay fell down, and the priſoner Yeldham ſaid, if any man offered to ſtop him there was death for them.

Did he produce any thing?——No, his hand was in his pocket; Ivemay was about twenty yards behind, and he did not chuſe to come that way, and he ran off the other way; I am ſure theſe are the two men.

——— SHALLARD *ſworn.*

I belong to the Office in Bow-ſtreet, we went after the priſoners, me and Townſend, and two more, and a gentleman that was robbed, on another robbery; we took Honey and Yeldam, and I put my hand in Honey's pocket and took out this piſtol, and this watch from his breeches fob; I ſtopped them at Hyde-Park corner, they were coming into London.

(The watch ſhewn to the proſecutor.)

This is my watch, I do not know the maker's name, but I can ſwear to the watch, becauſe here is ſome of the enamel off at the figure ſix; theſe ſeals have been mine for ſome years, one of them has my cypher.

Court to Shallard. Is the watch in the ſame condition now?——Yes.

JOHN TOWNSEND *ſworn.*

I went with Shallard, information came down to Bow-ſtreet; and me and Shallard, and ſome more of us went in a coach, and juſt at Hyde-Park corner I was talking to the turnpike man, and I heard a gentleman ſay, theſe are the men that robbed me; I took Yeldham, and in his right hand coat pocket I found this piſtol loaded with a ball; I ſearched him further, and found twenty-four ſhillings in ſilver; I believe the piſtols are fellows.

Priſoner Ivemay. I leave it to my counſel.

Priſoner Honey. I reſt intirely on your Lordſhip's mercy.

GOVERNOR

GOVERNOR PINFOLD *ſworn.*

The priſoner Samuel Yeldham lived with me ſome time, about four years ago, he behaved remarkable well for fidelity and honeſty.

REGINALD POOLE CARY Eſq; *ſworn.*

The priſoner Yeldham was my ſervant ſix months, he quitted my ſervice the firſt of February laſt; during the time he lived with me, he was perfectly honeſt and ſober in every reſpect, I never had any reaſon to find fault with him, and it was owing to him alone that I diſcovered ſome diſorderly proceedings in my own houſe, he of his own accord gave me information.

The priſoner Yeldham called three witneſſes who all gave him a very good character.

The priſoner Ivemay called three witneſſes to his character.

ALL THREE GUILTY Death.

Priſoner Honey. Mr. Gray, for God's ſake recommend us to mercy.

The Proſecutor humbly recommended the Priſoners to his Majeſty's mercy.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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581. PETER SHAW was indicted for feloniouſly ſtealing, on the 4th day of April laſt, one gold watch chain, value 50s. the property of Edwin Francis Stanhope, Eſq; in his dwelling houſe.

A ſecond Count, For feloniouſly ſtealing, on the 9th of April laſt, two gold ſnuff-boxes, value 40l. one enamelled watch, value 5l., 5s. one gold diſh, value 4l. one ſilver watch, value 40s. one other watch with the inſide caſe made of metal, and the outſide caſe made of ſhagreen, value 20s. one other metal watch in a ſhagreen caſe, value 30s. one other metal watch in a ſhagreen caſe, value 30s. one other metal watch in a ſhagreen caſe, value 30s. and one caſe of inſtruments mounted with ſilver in a black ſhagreen caſe, value 40s. the property of the ſaid Edwin Francis Stanhope, Eſq; in his dwelling houſe.

HENRY BAKER *ſworn.*

I am a ſilverſmith, in King's-ſtreet, Weſtminſter; I know the priſoner very well, he applied to me to diſpoſe of ſome property on the 4th of April, it was a gold watch chain, this is what I bought of him, at the rate of three pounds ten ſhilling an ounce, I believe it came to near three pounds.

Court. How much did you give him for it?——Above fifty ſhillings, he applied to me afterwards, on Wedneſday the 6th with ſome gold and ſilver coins, and I ſuſpected him, and I gave information to Mr. R. Abington, a Juſtice of peace, in King's-ſtreet, Weſtminſter; he was apprehended in conſequence of that information on Saturday the 9th, he was then I believe ſervant to Mr. Stanhope, he was apprehended in Tothill-ſtreet, at the ſign of the Angel.

Was any thing found upon him?——A key, a few halfpence, and a watch.

Court. Did you know this man before?——Yes.

How long before?—About two months.

Had he before brought any thing to ſell at your ſhop?——Nothing of any conſequence, I did not know he was in ſervice at that time, he told me the chain was left him by his father.

EDWIN FRANCIS STANHOPE, Eſq; *ſworn.*

This chain is my property.

When had you laſt ſeen it, Sir?——I cannot ſay.

How long had he been in your ſervice?——About a fortnight, this chain lay in a little box, made on purpoſe to hold various things of that ſort, in a receſs within my bureau in the upper drawer in my dreſſing room.

Who had the key?——I had the key, which he ſaid, he took once, I can ſwear to this chain by a very particular mark, it

was a watch-chain of my wife's, and I made it for myself, it is much ſhorter than any other of the kind, I have no doubt of its being mine, it is gold.

Was your bureau kept conſtantly locked?—Generally, I did not miſs this chain till it was brought to me.

Can you ſay whether you had ſeen this chain after he came into your ſervice?—I believe I have ſeen it in that place where it lay, but had not taken it out.

Mr. Garrow, Priſoner's Council. Had not you a good character with this man, Sir?—An extraordinary good one, better than I ever had before, from a Mr. Moore, whom I believe to be a very reſpectable gentleman, though I do not know him.

PATRICK M'MANUS *ſworn.*

The things that are in here, I got at the priſoner's lodgings, where his wife lived.

How do you know they were his lodgings?——His wife was in the room, and ſome of the things were found upon her, which Mr. Stanhope owned afterwards; and theſe things were in a cheſt in the room, and when the priſoner came home I found the key in his pocket which opened it, I unlocked the cheſt with the key, this was on the 9th at night; I ſuppoſe we had been three quarters of an hour in the houſe, before the priſoner came home. (*Three gold ſnuff boxes, and a gold diſh depoſed to.*) Theſe things lay on a bureau in the room, but not in the bureau, theſe watches were all found in his cheſt, and all going. (*A caſe of inſtruments depoſed to.*) I took the priſoner into cuſtody he ſigned a confeſſion.

Court. Were any promiſes made him?

Sir Sampſon. There was not the leaſt promiſe made in the world, nor any threats.

Court. Swear.

Sir SAMPSON WRIGHT *ſworn.*

Was that confeſſion made before you?—Yes.

Was it free and voluntary?—Yes.

No promiſes or threats?—Not the leaſt in the world.

When was it?——It was on Sunday morning the 10th of April, it is nothing more than the examination that we are directed by the ſtatute to take.

(*Read.*)

"Signed Peter Shaw. The examination "of Peter Shaw, &c. taken before me Sir "Sampſon Wright, Knt. one of his Ma- "jeſty's Juſtices, this 10th day of April, "1785, who confeſſes that on Sunday the "3d day of this inſtant April, he this ex- "aminant, ſtole out of the book-caſe "in the dreſſing room, the medals and "coins now produced and ſeveral others, "and the gold watch chain which he ſold "to Mr. Baker, at two different times, that "for the firſt quantity he received twenty- "pounds, and for the ſecond quantity he "received ten pounds and one ſhilling; and "that he ſtole out of the book-caſe *while it* "*was on fire* two gold watches, and the "ſeals, rings, and medals now produced."

Priſoner. I have nothing more to ſay than what I have ſaid, I ſubmit to your Lordſhip's mercy.

Mr. Garrow. I cannot carry his character any further than what Mr. Stanhope has ſaid of him, *but here is a gentleman who has the goodneſs to ſpeak for him.*

RICHARD BURKE, Eſq; *ſworn.*

The priſoner lived five or ſix months with my brother Mr. Edmund Burke, I did not lay in the houſe, but I dined and ſupped there almoſt every day; he was a remarkable good ſervant, and attentive, I had no reaſon to doubt his honeſty then.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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519. GEORGE PARTRIDGE and MARY GREENWOOD were indicted for feloniouſly aſſaulting Adam Mills on the King's-highway, on the 9th of April laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from

from his perſon and againſt his will, one cotton gown, value 10s. one pair of cotton ſtockings, value 1s. a linen handkerchief value 1s. the property of the ſaid Adam.

ADAM MILLS *ſworn.*

On the ninth of April laſt, at paſt eleven at night, I was going towards Biſhop Bonner's, at Bethnal Green where I live, and by Shoreditch church, I met two women, they aſked me to give them ſomething to drink, with perſuaſion, I ſaid, I would, and I went with them to a private houſe in Kingſland-road, I gave them a ſhilling, one went out to fetch the liquor as I ſuppoſed, and returned in about ten minutes, and ſaid, there was ſomebody at the door, ſhe would ſee who it was, upon that ſhe went to the door with a candle, and the candle was knocked out, and in came three or four more, I dare ſay by the ſound, there was ſix or ſeven.

Were they all women that came in, or men?——I am ſure I heard three men's voices, they came round me, with their hands on my pocket, and took from me a ten pound bank note, I believe the number on the bank-note was 4,400, and ſeven guineas in gold, and ſome ſilver, about fifteen ſhillings, but I cannot be ſure to the quantity of ſilver, and a bad ſixpence.

Court. What are you?——I am a publican; I had advertiſed that very week a premium for any body that had intereſt to procure a place in the Cuſtom-houſe, that day I was to lodge half of thirty guineas in Henry Gill's, Eſq; hands belonging to the long room at the Cuſtom-houſe, and to depoſit the other fifteen guineas, when I was appointed; they came all round me, and took this from me; I run after the people and took one woman, and was taking her to the watch-houſe, when this man and woman came after me, and ſaid, I was no conſtable, and I ſhould not take her to the watch houſe; I received a violent blow on the ſide, and on that I let the woman go that I had, I had a bundle under my left arm, which contained a gown, the pattern of this which I produce, a pair of ſtockings and a linen handkerchief, they took the woman from me, and after about twenty yards this man and two women returned, and ſaid, d—mn your eyes, you bloody b—gg—r! if you do not give us this bundle, we will cut your bloody melt out; I then received a hard blow on my knee, which has been very black, I then let the bundle go, and another woman run away with it, it was a ſtar-light and moon-light night; I had never ſeen the priſoner Partridge before, as ſoon as the bundle was gone I held the priſoner Partridge by the collar of his ſhirt, and ſome people came round, and they were taken to the watch-houſe, and the woman came to the door, and the conſtable ſtopt her, I went with another, and in an alley in Kingſland-road, called Blunderbuſs-court, we found the things.

Court. Did you recover your money?——There was a bad ſixpence found on the table under the pan, and I believe it to be the ſame, but I cannot ſwear; the bank-note was never found.

Was you ſober?——I had only drank three pints of porter ſince eight o'clock.

Was you perfectly ſober?——As much as I am now.

SAMUEL HARPER *ſworn.*

The two priſoners were brought to me by the proſecutor, who ſaid he had been robbed of eighteen pounds and a bundle; he ſaid, the priſoner Partridge took the bundle from under his arm, I went to the room of another perſon, and the bundle was in her room, they all live in one court.

What was that girl's name?—Upon my word I forget, her name was Rachel, he poſitively ſaid, they pulled the bundle from under his arm, and uſed him very ill beſides.

PRISONER PARTRIDGE'S DEFENCE.

I was ſitting in my room, I went out, and the proſecutor had hold of this woman, I ſaid to the woman, if you are innocent go to the watch-houſe, I walked after, and

in

in about five minutes the man gave charge of me.

ELIZABETH EAST *ſworn.*

I live in Blunderbuſs-court, Kingſland-road, I rent a room there, the priſoner Partridge lives in the ſame place where I live, I have known him a twelvemonth, the other priſoner lives with him, there were two young women that lodged in the room over my head, and this young man came up with them, not the priſoner at the bar, I heard a gentleman ſlip, and I ſaw a gentleman with his breeches unbuttoned before, and his ſhirt hanging out, which made me take the more notice of him, he had no bundle, I was mending my huſband's ſhirt for him to go to work in, I heard the girls go down ſtairs, the man works with his father at times, but he has been very ill for three months.

Jury to Proſecutor. Did the woman aid and aſſiſt the man in taking the bundle from you?—Yes, and made uſe of worſe imprecations than the man did.

BOTH GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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520. WILLIAM M'GINNIS was indicted for feloniouſly ſtealing on the 3d day of May, one metal watch in a ſhagreen caſe, value 40s. a ſteel chain, value 6d. a ſeal, value 2d. a key, value 1d. the property of William Barrow, privily from his perſon.

WILLIAM BARROW *ſworn.*

On Thurſday the 3d of this month, I loſt my watch, between two and three in the afternoon, in Barbican; I was juſt come from the yard at Langhorn's, where the balloon was, I got into a croud, and was hurried along, and a perſon ſaid, a boy has got your watch, and he is here; I looked round; ſays he, that is the boy; he dropped the watch, and I took it off the ground myſelf; he ſecured the boy, he ſaid the boy had the watch in his hand; I looked, and the boy dropped the watch at his feet; the priſoner was then cloſe beſide me, I thought I ſaw the watch in his hand.

Are you ſure you did?—I did, and he dropped it immediately.

Could you be ſure it dropped from the priſoner's hand?—Yes, he was cloſe behind me, I ſaw the watch drop, and I was afraid it would be broke; I got it again, I took it up myſelf.

Did you feel him take it?—No, it is my watch.

(The watch produced by John Fletcher the Conſtable.)

It has been in my poſſeſſion ever ſince; he was taken into cuſtody, he denied knowing any thing of it.

Are you quite ſure it was his hand you ſaw it drop from?—I am very clear in it.

ROBERT LEE *ſworn.*

I was in Barbican on this day, I ſaw the proſecutor in a great mob, and I looked amongſt them, and I ſaw the lad at the bar take a watch out of this gentleman's pocket; I ſeized him, and told the proſecutor of it; the priſoner dropped the watch, which the proſecutor picked up.

PRISONER's DEFENCE.

I was going through Barbican, and there was a great mob of people; I went to ſee the balloon, like others, and got into the crowd; and this gentleman came and ſaid I had the watch; immediately my foot ſlipped, and I fell down, and the gentleman picked up the watch before me, and ſaid I took it.

GUILTY

Of ſtealing, but not privately.

Tranſported for fourteen years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

521. ABRA-

521. ABRAHAM GODIN, alias GORDON, THOMAS GOLDFINCH, and SAMUEL ROBERTS, were indicted for that they, on the 15th of April laſt, about the hour of ten in the night, in the pariſh of St. Mary, Stratford, Bow, ſix pieces of cotton cloth called callico, containing 168 yards, value 16l. 16s. the property of Richard Adams and Samuel Lay, then laid and expoſed to be bleached in their ground uſed by them, feloniouſly did ſteal, take, and carry away.

JOHN KIRMON *ſworn.*

I am watchman to the bleaching-grounds belonging to Mr. Richard Adams and Samuel Lay, I went round the grounds once or twice, and about ten at night I went round again, and I miſſed what we call a whole length of printed Britiſh callico; a length is ſix pieces: when I went round the firſt and ſecond time they were all there, and they were there much about ten; and the third time I went round they were gone; when I found the piece gone, I alarmed the yard watchman, and he alarmed my maſter and the reſt, and they went in purſuit of them; my maſters are quakers; I then came back to the field, for fear they ſhould take more; and the next morning the piece of callico was brought to my maſter's houſe.

JOSEPH BRIGG *ſworn.*

I am the yard watchman, I alarmed my maſters, and they alarmed the ſervants about the place, we went in purſuit, and took the priſoner Roberts at a place called White-poſt-lane, about half a mile from the bleaching ground, between the hours of two and three, there were two more with him; we were laying in wait for them; I picked up this bundle, and brought it into my maſter's ground, it contained one piece, it is here.

THOMAS CROP *ſworn.*

I lay in wait till between two and three, and the priſoner Abraham Gordon, Thomas Goldfinch, and Samuel Roberts came; Gordon came over the ſtile firſt, Roberts next; they had each a bundle on their heads, they diſcovered us, and threw their bundles down. It was getting towards morning, I could diſtinguiſh their faces; I knew one of them before; Gordon had worked in the trade; Gordon and Goldfinch ran up Marſh-lane, and eſcaped for that time, Roberts took over the Marſh, he jumped into a ditch, and I ſecured him; the pieces were wet from the bleaching-ground; they were afterwards opened in my preſence, and they contained two pieces, in a blue apron, two pieces in a brown bag, and one piece in a reddiſh handkerchief, and another piece in a black handkerchief; Gordon had the bag, Goldfinch had the blue apron, and Roberts had the two handkerchiefs, one of the handkerchiefs was found afterwards; I took Roberts, and the others were taken from the information of Roberts; Gordon had worked at our ground, but not then.

Court. Are you ſure of the priſoners? ——Yes.

JOHN THORNTON *ſworn.*

I laid in wait for theſe men; my maſters are callico-printers, this is their bleaching-ground; I ſaw Gordon firſt come over the ſtile, Goldfinch next, and then Roberts, they had bundles on their heads, when they came within twenty yards they obſerved us, they pitched their bundles and ran off; I could ſwear to Gordon nine yards off; I have no doubt of their being the perſons, all three; I picked up the bundles, and carried them home in this apron to Meſſrs Adams and Co. there was a piece in each handkerchief; I'll ſwear to the piece, I marked them with a private mark, the initials of my name.

Were there goods of this ſort loſt or miſſed from the bleaching-grounds on this night.

Yes, Sir, there were; they were all wet and dirty when I found them, here is a mark 3338.

WILLIAM BARRINGEN *ſworn.*

Here is the Exciſe-Office book, here is the correſponding mark on the piece; there are ſix different numbers on the ſix different pieces of each, they are running numbers, here is 3365, 3416, 3368.

Mr. Baron Perryn. Theſe numbers you have ſpoken of, and which are inſerted in that book, might not they apply to other pieces of cloth, as well as thoſe?—No, Sir, we have officers that ſurvey this work, and no others.

Court to Kirmon. Theſe are the very ſort of callicoes?——The very ſame.

PRISONER ROBERTS's DEFENCE.

I have nothing to ſay.

Priſoner Gordon. I know nothing of it, I was taken out of bed the next morning as innocent as a child.

Priſoner Goldfinch. I am quite innocent.

ALL THREE GUILTY, Death.

N. B. *The Court afterwards mitigated their puniſhment to tranſportation for fourteen years.* *See* Stat. 18 Geo. II. c. 27.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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522. JOSEPH THOMPSON was indicted for feloniouſly ſtealing on the 11th of December laſt, three buſhels of coals, value 3s. one iron trevet, value 10d. one hanging iron, value 6d. five pounds weight of tallow candles, value 3s. two linen glaſs cloths, value one ſhilling, two linen knife cloths, value 6d. the property of Thomas Iſherwood, Eſq.

And SARAH TONKS was indicted for feloniouſly receiving the ſame, knowing them to be ſtolen.

The Indictment opened by Mr. Garrow, and the Caſe by Mr. Silveſter.

JANE MACKALL *ſworn.*

(Examined by Mr. Garrow.)

I am at preſent in the Hoſpital with a lame foot, I did formerly live at Highgate, at Mr. Ray's academy; I know the two priſoners, I know the priſoner Sarah Tonks uſed to go down on the Sunday morning when Mr. Iſherwood was gone to church, and bring up the coals covered under cabbage-leaves, and the other priſoner he gave her a trevet, an iron hanger, and ſome candles; I cannot ſay particularly the quantity, becauſe ſhe had candles all the winter, ſhe never bought any, but I have ſeen a quantity, to the amount together of about four or five pounds.

Court. Who took the candles?—This woman.

Who gave them to her?—Sarah Slim.

What did the priſoner Thompſon do?—He gave her empty bottles to ſell; Thompſon gave a trevet and a holder to one Webb. Thompſon was a ſervant in the houſe at that time, he was footman; the priſoner Tonks lived with a lady a little way off; he took it out of Mr. Iſherwood's houſe, and carried it over to Sarah Tonks; I ſaw him take it out, it hung up in the back kitchen, I was at Mrs. Tonks's, and the priſoner came before me, and laid down the trevet and the iron holder, by the fire ſide.

Court. How ſoon after was it you ſaw it at Tonks's?—I followed him up.

Did he know you was preſent when it was taken?——Yes, he took it before me, and he laid it down in my preſence; Mrs. Tonks was not at home; Mrs. Tonks deſired me to bring it away four or five days before, but I would not; ſhe ſaid that the ſervant had promiſed to give it her.

What capacity was you in at that time?——My maſter brought me a letter to go to St. Thomas's Hoſpital, and, as I was out of place, I was at Tonks's houſe.

Mr. Knowles, Priſoner's Councel. Pray, this priſoner made a charge againſt you formerly, did he not?——Not that I know of.

Was not you taken up upon that charge?——Yes, Sir, but I went home.

Was not there an advertiſement againſt you in the public papers for a robbery?—I do not know that there was.

Was not you taken up in conſequence of ſome charge againſt you?——I was.

Was that before or after theſe things were ſtolen?——It was after.

Did

Did you ever mention any thing of this matter before you was taken up to Mr. Isherwood?——No, I never did.

Why not, you knew it very well?——Yes, I did.

Then do not you look upon yourself a great deal worse than him?——I cannot say I am in the right of it; I told Mrs. Tonks many a time, that I would tell.

What was you charged with taking?—A great many things.

Were not there three black stuff petticoats?——No.

Was there not a green petticoat?—No.

Had not some of those petticoats the misfortune to be on your person at the time they were discovered?

Mr. Garrow. That is not a competent question.

Mr. Knowles. Did not you give up some of these things that were charged with being stolen?

Mr. Garrow. I must stop this.

Court. You cannot certainly go into the particulars of another robbery.

Mr. Knowles. A little after you were so taken up on this business, you thought proper to write a letter to Mr. Isherwood?——Yes, I did.

THOMAS ISHERWOOD, Esq; *sworn.*

I live at Highgate, the prisoner Thompson was my footman.

What property did you lose?——I lost an iron trevet and an hanging iron, I lost coals and candles, and other things, as I have been told by the girl; I have seen what is supposed to be my property, but I cannot swear to it; I cannot swear to the glass cloths, nor the knife cloths.

JOHN WEBB *sworn.*

I live at Highgate; I know the two prisoners, but I know no harm of them; I know Thompson by working for Mr. Isherwood.

Do you know of any property of Mr. Isherwood's being taken last sessions?—No, I do not; I was here last sessions, and tried for it myself, and acquitted; I never received any thing from him.

Mr. Knowles. You were at Mr. Isherwood's house after this robbery was supposed to be committed?——Yes.

Have not you said that you saw this hanging iron and trevet, after the time it was said to be stolen?——Yes, and I did not see the things after this man had quitted the place.

JOSEPH BURGESS *sworn.*

I live at Highgate; I know nothing but about a few cinders.

PRISONER's DEFENCE.

I leave it to my Counsel, I never gave any thing away in my life.

PRISONER TONKS's DEFENCE.

I leave it to my Counsel.

JOHN BRIDGE *sworn.*

I have known Thompson about a year and ten months, he deserves a good character; he lived under butler with me at Sir John Taylor's, that was the winter before last; he had a very good character from Sir Edward Dearing, to Sir John Taylor; he was always a good servant; I suppose the young man had a thousand or two thousand pounds worth in his possession every day.

BOTH NOT GUILTY.

Tried by the first Middlesex Jury before Mr. ROSE.

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523. MARY CHAMBERS was indicted for feloniously stealing, on the 4th of March last, twenty shillings in monies numbered, the monies of Thomas Miller.

MARY MILLER *sworn.*

On the 1st of March the prisoner came to my house, the Wheat-Sheaf, in Drury-lane, and ordered two pots of beer and change for a guinea, in two clean pots, and

and not ſeeing the woman's face, I aſked her what ſhe wanted, ſhe ſaid, two pots of beer and change for a guinea, to Mr Cobham's, a cuſtomer of ours in Stewart's-rents; I gave the boy the change, and in about five minutes the boy brought me a counterfeit guinea, I ſent by the boy twenty one ſhillings, and ſixpenny worth of halfpence, I never ſaw the priſoner before, I am ſure ſhe is the ſame perſon that made application for the beer, and the change.

(The guinea handed up.)

Mr. Garrow Priſoner's Council. Mrs. Miller, you ſaid, you did not ſee the woman's face?——Not the firſt time, I aſked her twice over what ſhe wanted, but I ſaw her face perfectly well the ſecond time of aſking, ſhe had a bonnet on, I never ſaw her before, I cannot be poſitive to her cloak, but I think it was a light coloured one.

This woman was committed for fraud at firſt, and afterwards for felony, and has now ſurrendered?—Yes.

BENJAMIN HALLOWELL *ſworn.*

Court. How old are you?—Turned of fourteen; I am ſervant to Mr. Miller I go out with beer; on Tueſday the fourth of March, the priſoner came and ordered two pots of beer and change for a guinea, I heard her and ſaw her, I was to carry two pots of beer to Mr. Cobham's, in Stewart's Rents; the priſoner had left the houſe before, and at the top of Stewart's-rents, ſhe met me and took the two pots of beer, and the change from me.

Are you ſure it is the ſame perſon that is now at the bar that received the change, and the beer from you?——Yes.

Had you ever ſeen her before?—Never.

What time was it?—Between nine and ten at night.

Was it a dark or a light night?—It was quite dark.

Was it light enough for you to diſtinguiſh the features of the priſoner at the bar ſo as to know her again?——Yes, Sir, it was.

Did ſhe give you that guinea?——Yes, I took the guinea to the lamp afterwards, I hallooed out ſtop that woman! and ſhe ſtopped herſelf; I then ſaid, either give me another guinea or give me the ſilver back; ſays ſhe, are you ſure it is me, yes, ſays I, I am; then ſays ſhe, I will go to your maſter, inſtead of which ſhe run away; the girl from the Horſe and Groom, a public houſe, came and told us where ſhe lived, and I went to the houſe in Wild-ſtreet, No. 5, where I found her; ſhe then took and clapped her foot againſt the door, and ſaid, can you ſwear to my dreſs, ſhe had a bonnet and a long dark Bath cloak on, I am ſure; with that ſhe brought out a red cloak, which ſhe has on now, ſhe was got into the houſe, and had a young child in her arms.

Court. Then ſhe had no cloak on at the time of this converſation?——No, none at all, but when I ſaid her dreſs was a brown one, ſhe brought out a red one, ſhe was brought up to our houſe, and my miſtreſs ſent for a runner, and ſhe was committed.

Are you ſure the priſoner at the bar was the perſon with whom you had all theſe tranſactions?—It is the perſon, Sir, I am quite confident.

Mr. Garrow. Boy, do you know what an oath is?—Sir, I never took but two or three.

Do you know what an oath means?——No, Sir.

Do you know the nature of an oath?—I ſuppoſe, if ſo be you tell a lie in what you are ſaying, you can think of going no where but to hell.

Were this woman's apartments ſearched?—Yes, they were the next morning.

Was her perſon ſearched?—Yes.

What money was found on her?—None, but her huſband came with her half way up Poppin's-court?

What money was found upon her?—A ſixpence, and two or three halfpence.

Do you remember her telling you her name was Chambers, and that ſhe lived at No. 5?—No.

Did

Did not you ſay to her at firſt, you did not know it was her?—No.

Have you never ſaid ſo?—No.

No brown cloak was found, was it dark brown?—Yes.

Very dark?——Yes.

As dark as your own coat?—Yes.

You obſerved the cloak particularly?—Yes, I was ſtanding at the window of the bar, and her ſide was towards me.

WILLIAM BAILEY *ſworn.*

I was ſtanding at the bar window when the priſoner came to order the beer; I live within three doors, I generally go there, I ſaw her order two pots of beer to Mr. Cobham's, and change for a guinea, I am ſure it was the ſame lady.

What was her dreſs?—She had a brown or drab colour cloth coat, and a bonnet.

Mr. Garrow. They are very diſtinguiſhable colours?——People give them names according to their own fancy.

Court. Had you ever ſeen the priſoner at the bar before?—No, I never did.

Mr. Garrow. Do you call that coat you have on a brown one?—I call it a drab colour, ſome people call it a brown.

Do you call the boy's coat a drab?—It is all fancy.

PRISONER's DEFENCE.

I never was in the woman's houſe in all my life, I know nobody in Stewart's-rents, I do not know the ſign, I never had a brown cloak on in my life; I was going down Stewart's-rents, that boy was crying out ſtop, miſtreſs! I turned back, and ſaid, do you want me, he ſaid, no, he did not what he wanted, it was very froſty; he ſaid, a woman had taken change for a guinea, there was immediately a mob of people; I ſaid how could you be ſo fooliſh? I hope you do not think it was me, ſays he, I do not know whether it is or no; I ſaid, to the woman at the Horſe and Groom, ſays I, my name is Chambers, I live at No. 5, in Wild-ſtreet; I went home and told my huſband the circumſtance, preſently there came a knock at the door, the boy came in, and ſaid, I was the woman, he ſaid, the woman had a long brown cloak, I immediately ſhewed him this cloak that I have on, I have witneſſes to prove that I went out with this cloak, and came in with this cloak; I went to Mrs. Miller's houſe, ſhe doubled her hand, and ſaid, give me a guinea you wretch, or elſe I will proſecute you; and a conſtable was called, and the runner ſaid to me, you bitch, have you one pocket or two? they ſearched me, and found ſixpence and ſome halfpence; immediately my huſband came in, they ſeized him, ſearched him, and took us both to the round houſe in Covent Garden, there we were till the next morning, and the Juſtice diſcharged my huſband; then Mr. Miller came and ſwore that piece of money was delivered him by the boy, and that it had never been out of his poſſeſſion, now Mrs. Miller had this piece in her pocket, turned out her money, and he damned her, and ſaid, why did not ſhe keep it by itſelf.

(The piece of money produced.)

Proſecutrix. It has been in my bureau.

Boy. It is the ſame piece I delivered to Mrs. Miller.

Mrs. Miller. I put it in my pocket among my ſilver, I never keep my gold and ſilver together, it never has been out of my poſſeſſion and my huſband's.

Did your huſband ever carry it to Bow-ſtreet?—He did not, he was with me.

When had your huſband it?——Out of my hand into his, to give it to the Juſtice, in my ſight.

SARAH COLE *ſworn.*

I live at No. 15, in Wych-ſtreet, I know the priſoner; on the evening of the 4th of March, I ſaw her at my own houſe, ſhe came in about five, and drank tea with me, and ſtaid till about ſeven or ſometime after, ſhe had on a black crape gown, a ſcarlet cloak with brown ſkin, a white apron, and a black bonnet, that is the ſame cloak ſhe has

has on now, I am ſure ſhe had no brown Bath cloak on; I have known her for fourteen years, I never heard nor ſaw any thing amiſs of her in my life.

ANN BROOKES *ſworn.*

I live in Little Wild-ſtreet, within four doors of the priſoner, I then lived in the ſame houſe, I ſaw her when ſhe went out, ſhe deſired me to take care of the place whilſt ſhe was gone, that ſhe ſhould not be long; I ſtaid there till ſhe came in, ſhe had a red cloak with a brown ſkin, and a black gown, it is the very ſame cloak ſhe has on now, I was there when the boy came to the houſe, that is the cloak ſhe produced, ſhe has not a brown cloak to my knowledge, I have known her about a twelvemonth, ſhe has a very good character.

MARGARET JONES *ſworn.*

I have known the priſoner about ten or eleven years, a very good character, always behaved very honeſtly and truly, I ſaw her the latter end of February, and the beginning of March, ſhe wore a red cloak or a black ſilk one, I never knew her wear a brown Bath cloak in my life.

CHARLOTTE BATES *ſworn.*

I was coming out of a houſe where I lodge in Stewart's-rents, I obſerved Mr. Miller's boy come down the rents, with two pots of beer in his hands, and he called out ſtop that woman, I ſaw that woman before with a red cloak with a black ſkin, and a black bonnet; ſhe ſaid, my dear, do you call me, he ſaid, yes, you are the woman that has given me the bad guinea, and the woman ſaid, are you ſure it is me, yes, ſay he, I think it is you, you are ſomething like the woman that came in and ordered two pots of beer; ſhe then immediately ſaid, ſhe would ſuffer herſelf to be ſearched, ſhe was ſtopped at the Horſe and Groom, at the corner; ſhe ſaid, I will go in and be ſearched, for I have no ſuch change as change for a guinea; ſhe ſaid, ſhe had been out to tea that afternoon, ſhe ſaid, I live at No. 5, in Little Wild-ſtreet, and ſhe was afterwards found at the houſe, ſhe ſaid, her name was Chambers; I am ſure ſhe was in a red cloak, and the reſt of her dreſs as I have deſcribed it.

Jury. Was you in Court when the priſoner gave her defence?—No, Sir, I have been called in ſince.

Mr. Garrow. Did you know the priſoner before?——No.

DIANA COTTON *ſworn.*

I have known her ten years, her character has been exceeding good, I have truſted her with a hundred pounds in books and other value, when I have been going out of town, and I would if ſhe was acquitted this minute.

The priſoner called another witneſs who gave her a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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524. JOSEPH BROWN was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Elizabeth Goddin, about the hour of eight in the night on the 12th of April laſt, and feloniouſly ſtealing therein, one pair of ſilver candleſticks, value 3l. three ſilver ſpoons, value 30s. two forks, value 20s. ten tea ſpoons, value 20s. one ſilver ſtrainer, value 2s. one glaſs bottle of Madeira wine, value 3s. one other glaſs bottle of wine, value 2s. five linen handkerchiefs, 2s. two black ſilk cloaks, value 6s. three pair of ſilk ſtockings, value 3s. five pair of cotton ſtockings, value 3s. one tin canniſter, value 3d. and one ounce weight of green tea, value 12d. her property.

(The witneſſes examined apart at the Priſoner's requeſt.)

REBECCA

REBECCA WALLIS *ſworn.*

I live with Mrs. Goddin, at Hampton and in town alſo, and have done ſo upwards of fourteen years, Mrs. Goddin and her family left her houſe for the winter ſeaſon, on Wedneſday the 22d of December, 1784, and on the alarm of a robbery at the next door, I went there on the 21ſt of January, 1785; I then put the witneſs Thomas Cox, into the houſe, to lay in the houſe, and take care of it; I did not go down again as every thing remained quiet, till Tueſday the 12th of April, when I heard that the houſe was broke open; Mrs. Goddin uſed to return to Hampton in April, and leave it in December.

THOMAS COX *ſworn.*

I am a day labouring lad, my father and mother live oppoſite to this houſe, I never was employed there before; Mrs. Wallis, when ſhe came down to the houſe, deſired me to go and ſleep in the houſe, till they came to take care of it.

Court. Did you lay by yourſelf?——I had a little dog that laid with me, I laid below ſtairs in the kitchen, and I was going home to bed on the 12th of April as uſual, it muſt be between eight and nine, it was *mooniſh* light.

Court. Was there any remains of daylight?——No; there is a gate to the garden, about ten or a dozen yards from the houſe, it is a ſpring lock, I had the key with me, when I came there I found it bolted within ſide; then I went over directly to my father's houſe, and told him the gate was bolted, and he ſaid, are you ſure of that? I ſaid, yes; then he ſaid, ſtop a bit, I will get a lanthorn and go with you, ſo he went with me and took a lanthorn, and I got over the wall by the gate, and unbolted the garden gate, and let my father who had the lanthorn, and the dog in; the dog went directly into the ſhrubbery, where two men lay, and he began barking at them.

What kind of dog was it?——A little tarrier, I ran directly after the dog, and ſaw two men get up from the ſhrubbery and run away, and I run after them, and they jumped over Buſhy Park wall, that adjoins to the garden; I jumped over after them, and the priſoner was the perſon I took, the other man ſtruck me twice, and then run away; I took the priſoner into the firſt public houſe I came to, my father came to my aſſiſtance, and he and I ſecured the priſoner; we took him to the ſign of the Maidenhead, and there I left him with my father, till I fetched the conſtable, I came to the houſe in about twenty minutes afterwards, and it was all torn to pieces, all the drawers were opened, two windows were broke open, and they had ſhoved the bars out of two windows, and had wrenched one off; and the door was unlocked, the kitchen is a little under ground; I found every thing broke open except one door, I could not tell what was ſtole out of the houſe, till Mrs. Wallis came down; the priſoner was ſearched at the Maidenhead as ſoon as the conſtable came, but nothing of Madam Goddin's property was found upon him, at the public houſe he had a ſilver ſpoon found upon him, but that did not belong to Madam Goddin.

When you firſt diſcovered them, were they laying down or ſtanding up?—Laying down on their bellies, I think they muſt be in the houſe as ſoon as it was duſk, by the damage that was done to the houſe; the man at the public houſe went with me directly, and I ſhewed him where he threw ſome things from him, when I had hold of him in the park, he ſtruck me once over my face, and he went to ſtrike me again, and it fell out of his hand; we took two candles with us into Buſhy Park, and there we found this piſtol.

Was it charged?——No, it is the piſtol he ſtruck me with, and there were theſe two black cloaks, and three pair of ſtockings along with it, and theſe picklock keys, and a tea canniſter, and this handkerchief.

(The two black ſilk cloaks depoſed to by Mrs. Wallis, as the property of Mrs. Goddin.)

Mrs. Wallis. I made them, they are about ſix ſhillings value, this canniſter was left

left in the closet with the plate that was stole, it is of no value, there is about an ounce of tea in it; here are three pair of silk stockings, value three shillings, and these five pair of cotton stockings are valued two shillings, they are all marked E. G. these three handkerchiefs were found, they are Mrs. Goddin's; the other things have never been heard of since.

Prisoner. Ask him how far it was from the gate to the trees, when he says, he saw me lay down?—It may be pretty near thirty yards, but I did not see him till the dog ran.

How near was you when he got up?—About fourteen yards.

THOMAS KIMBERS *sworn.*

I am master of the Maidenhead, I found all these things, I was present when they were all picked up.

JOSEPH STOKES *sworn.*

I was constable, and searched the prisoner, I only found a knife and a spoon about him, he made no confession before the Justice, after he was committed, he desired the Justice to ask Thomas Cox, whether he saw him have any thing, and the Justice told him that did not signify, as they went both over together, and they fell both on their bellies, and they were both up together, the other got away because he had got nobody to stop him.

When the other man ran away, did you observe he had any thing with him?—The way that he ran along we found a bottle of wine.

Court to Rebecca Wallis. An account of this robbery was brought to Mrs. Goddin in town?—Yes, about nine, I went down immediately, when I first came in, I went into the parlour which we call the bow-parlour, the outside shutters of the bow-parlour were broke open, and the bar forced out, I missed nothing out of that parlour; the breakfast closet was left open with china in it, and the other closet they burst open; I missed out of that closet one pair of old fashioned upright silver candlesticks, I valued them only at three guineas, but they may be worth double; I missed three large table spoons, two forks, and ten tea spoons, and a silver strainer.

These together are vastly above the value of forty shillings?——Yes, I was never in the house, nor anybody since we left it; they broke every lock in the house except one, and that they attempted in two places.

How long do you suppose they must be in the house?—I should suppose not much less than an hour.

Prisoner. Ask the witness how far the park was from the house where he took me?—I took him about five yards from the wall, and he dragged me twenty or twenty-five yards, he flung the pistol about thirty yards.

PRISONER's DEFENCE.

I was going over to Kingston, when this man came up to me and his father, and knocked me down.

Court to Cox. You are sure that is the same man that you saw there?—Yes.

Prisoner. It was almost a quarter of a mile from the house when he took me.

Kimbers. The first thing I took up was a bottle of wine, within two yards of the wall, and the other things were dropped within twenty yards.

JOHN COX *sworn.*

(By desire of the Prisoner.)

After you got in, did you see any man in the garden?—No, my Lord, only my son ran after somebody, and I heard the dog bark, my son got over the wall of the park, and I followed as fast as I could; I got over the wall and I came to him, I ran pretty near three score yards before I came to him, they were both a fighting and scuffling together.

Court to Cox. Your father seems to think it was further.

Cox. I cannot be a judge of the ground.

John Cox. I cannot be exact, I saw the prisoner.

Cox. The man was never out of my sight, only the length of the wall.

Prisoner. I was going home when the man pursued me and caught me.

Was the other man out of ſight when you took hold of him?——The other man ſtarted up as ſoon as I came up the place was was within a few yards of the foot path.

GUILTY *of ſtealing goods in the dwelling-houſe, to the amount of above* 40s. Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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525. JOSEPH STURMEY was indicted for feloniouſly ſtealing on the 10th of April laſt, one linen ſhirt, value 2s. 6d. one linen ſtock, value 6d. one ſilk handkerchief, value 6d. one linen handkerchief, value 6d. one white quilted waiſtcoat, value 5s. one printed linen ſhawl, value 6d. one pair of worſted ſtockings, value 6d. one pair of leather ſhoes, value 1s. ſeven guineas and a half guinea, and two crown pieces, the property of Edward Stillard, in his dwelling houſe.

EDWARD STILLARD *ſworn.*

I am a packer, I live in Lime-ſtreet, No. 52; on the 10th of April laſt, the priſoner, who had lived with me three weeks and two days, as a ſervant, and whom I meant to make an apprentice, to learn him my buſineſs, from the recommendation I had of him, went away on Sunday, and on the Monday morning I found he did not come, at which I was very much aſtoniſhed he did not return; on Monday at two o'clock I had occaſion to go to the box where I had put ſome gold; this box is about ſeven foot high, upon a high ſhelf, I kept writings and parchments in it, and I miſſed ſome money from a little box which was within-ſide that larger box; there were ſeven guineas and a half, and two crown pieces; I found a piece of the box broke, it flew open when I took hold of it; I had locked it myſelf; the little box was not locked, but the great one was: the priſoner was taken in the country, with a parcel of linen found upon him.

JOHN POCOCK *ſworn.*

I keep a ſhop in the Fleet Market, I took the priſoner into my employ, I recommended him to my brother; I went in purſuit of the boy; the boy always told me he was a Shrewſbury lad, and immediately purſued him to Shrewſbury; when I came to Birmingham, I enquired of all the coaches, and I found him at a place called Biſſon, and I found theſe bundles upon him which are in court; he was walking; the boy ſaid nothing then, but afterwards he told me, the money he had laid out in Holborn.

Did you make him any promiſes, if he told you the truth?——None at all, never, there was a gentleman with me in the chaiſe; and when we put him in the chaiſe he had a guinea and eighteen-pence, and ſix-pence in half-pence; he ſaid he had laid out five guineas in Holborn, in buying clothes of a ſaleſman, part of which he had on, and ſome in the country: I aſked him what became of the money he had taken out of the box; then he told me, as I have told you.

JOSEPH THOMPSON *ſworn.*

This is the bundle of clothes he bought, and ſome of the things of the proſecutor's.

Pocock. When I overtook the priſoner, he had two ſeparate bundles: I think they were ſeparate as they are now.

(The Proſecutor depoſed to the handkerchief.)

I know it by the long time I have had it.

Was it torn ſo then?——No, it was whole then: I know it by the pattern and ſize.

(A ſhirt, and an India handkerchief, with a hole, and marked with an S, near that hole, a ſtock and waiſtcoat, and a child's ſhawl depoſed to.)

I ſaw this in the drawer on Sunday morning.

PRISONER's DEFENCE.

I found the linen among my own linen, in the ſame room.

The Priſoner called one witneſs to his character.

GUILTY Death.

He was humbly recommended to mercy by the Jury, on account of his youth, being only fourteen.

Tried by the London Jury before Mr. RECORDER.

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526. THOMAS BAKER HOPKINS was indicted for feloniouſly returning from tranſportation, and being found at large on the 18th of April laſt.

(The witneſſes examined apart at the requeſt of the priſoner.)

The Caſe opened by Mr. Silveſter.

JOSEPH HILL *ſworn.*

I am clerk to Mr. Partis, ſolicitor to the Poſt-office; this is a copy of the record of the priſoner's conviction, in the year 1782, which I examined with the original record, and it is a true copy; this is Mr. Shelton's hand-writing.

(The record read and examined by the indictment.)

——— LEE *ſworn.*

I remember the priſoner; I lived ten years with Mr. Akerman; he was tried for robbing the mail upon Finchley Common; he was reſpited for the humanity he ſhewed the boy; he received ſentence in September, 1782, of tranſportation for ſeven years.

Priſoner. Was you preſent when I was convicted for this?——No, I was not, but I know he was convicted, becauſe I frequently locked him in the cells; he was delivered on board the Cenſor hulk on the 11th of January, 1783; I went down with him.

Court. It muſt be proved that the priſoner at the bar was the man that was convicted of this: how many more received the ſame ſentence?——A great many more.

How came you to recollect that?——It was long vacation, and it is the uſual time they receive them.

JOHN LUCY *ſworn.*

I am a conſtable.

Was you in Court in the year 1782?——No, I was not, I apprehended the priſoner the 18th of April laſt, in Brick-lane, Old-ſtreet; I have known him ſome years.

Priſoner. In what ſituation did you find my apartment when you apprehended me?——He was in bed then, it was between nine and ten; it was a ſcene of induſtry, and there was the appearance of two trades going on.

HENRY LOGAN *ſworn.*

I had the direction of one of the hulks. I know the priſoner very well, he was in my cuſtody four months, from thence he was put on board the Swift, bound to Africa: I was not on board when he was brought, it appeared by the ſhip's book that he was on board the Cenſor the 12th of January, 1783.

Priſoner. Who delivered me to the Cenſor?——I was not on board the hulk when you came; I ſaw him on board the Swift.

Priſoner. I wiſh to call Mr. Pitt, and Mr. Owen.

JOHN OWEN *ſworn.*

I am ſervant to Mr. Akerman; I delivered the priſoner on board, with Mr. Pitt and ſome ſoldiers; but Mr. Lee was not there; but the priſoner is the man, it is impoſſible for a fellow ſervant of mine to be on board a brig with me, without my ſeeing him; he was not on board, Mr. Pitt knows the ſame.

Mr. Silveſter. Lee and you are no longer fellow ſervants?——No.

How many boats full had you?——One barge; every one of us, excepting one who ſtaid to mind the gaol, accompanied him

him to the waterſide, that one is dead; Lee went down with us to the waterſide, and only Pitt and me went down to the hulks, beſides ſoldiers; we went with eighty.

Was you preſent at his trial?——Yes, it was for robbing the mail, I cannot recollect the poſtboy's name.

Was you preſent when he received ſentence?——I was.

ROBERT MATTHEWS *ſworn.*

I have known him three years and an half; when the man came from on board the ſhip, he came to me; he has behaved very well; I employed him to learn my branch of buſineſs, which is in the watch way; he was with me ſix or ſeven months after I learnt him his buſineſs; here are my maſters to prove that he has worked for them ſiever nce.

JOHN DALTON *ſworn.*

I am a watch-maker; the priſoner has worked for me twelve months; a very induſtrious man, I never ſent to him in my life that I found him out; and I always could depend on my work according to his promiſe.

JOHN LUCAS *ſworn.*

I am a watch-movement maker; about this time twelvemonth his wife came in to aſk for work at our houſe, and I gave him twelve or eighteen ſhillings worth of work, I always had the work when I ſent for it; I never ſaw him but once before, the woman always came.

ADAM MARTIN *ſworn.*

I am a mathematical inſtrument maker; I have known the priſoner upwards of fifteen months, and he has had ten or twenty pounds worth of work in his room; he was ſober and induſtrious.

WILLIAM WOODCHAFE *ſworn.*

He worked for me ſeven years before the unhappy affair; he ſent for me after he was liberated, to know if I would have any thing to do with him; I heard that he worked very honeſt and induſtrious in the watch making branch; I ſent him a parcel of work, which he had in his room at the time he was taken; I went into his room, and I never ſaw ſuch a ſcene of induſtry in my life: I have that opinion of him, that if he was liberated, I would take him into my employ, as before; he was my foreman.

JOSEPH BUTLER *ſworn.*

About twelve months ago the priſoner came to me, and aſked me for a little work; I ſaid, I am very ſorry to ſee you now, but I will give you all my out-door work, and he has worked for me this twelvemonth, and he behaved very honeſt and juſt.

EDWARD BLUNT *ſworn.*

I am a watch-maker; I have known the priſoner better than a twelve-month, a very hard-working induſtrious man; I have been frequently in his room.

ELIZABETH WEBB *ſworn.*

I have known him five months, he lived at my houſe; I never ſaw anything but honeſty and induſtry.

Court to Priſoner. Do you call anybody elſe?——Nobody elſe, my Lord; I return you many thanks for hearing theſe; I beg to ſpeak before you deliver the charge. I own myſelf, my Lord, to be the perſon that was found at large; but through a good character, I hope you will take it into conſideration, and ſhew me mercy: ſince I have made my eſcape, I applied to a friend, Mr. Matthews, and learned the buſineſs, and in the courſe of ſeven weeks I found I could earn a living; he recommended me to Mr. Dalton; when the watch buſineſs was ſlack, I applied to Mr. Woodchafe, and I did at different times work at this buſineſs alſo; and through the mercy and favour that I hope the divine goodneſs will lead you to ſhew to me, I truſt I ſhall find favour.

GUILTY, **Death.**

Jury. We humbly recommend him to mercy in the ſtrongeſt manner that can be.

Mr. Recorder to Priſoner. In ſtrict law you are guilty, but your conduct has been ſo different from that of others, that I ſhall particularly mention your caſe to the King.

Priſoner.

Prisoner. My Lord, I have been in my room for eight or ten months, and never been out of doors.

Tried by the second Middlesex Jury before Mr. ROSE.

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527. BERWICK MAYTON was indicted for feloniously stealing on the 30th of April last, twelve pair of thread stockings, value 35s. the property of James Gillet, privily in his shop.

MARY GILLET *sworn.*

I am wife of James Gillet, we then lived at No. 174, in Oxford-street, but since removed to No. 44, on the 30th of last month, the prisoner, and another young man came into the shop, I never saw them before; the other young man asked for some ribbed cotton stockings; I shewed them some at four shillings and six-pence a pair, they were too dear; he desired I would shew him some lower; the compter was taken down, there was only a sham compter, because the compter was carried to the other shop, we were moving; I went behind this compter to reach another paper, and when I came back the other young man that was with the prisoner bought a pair, and gave me half a guinea to change; while I was giving change, I heard a rustling among the papers, near the place where the prisoner was sitting upon a chair, and a small parcel tumbled down, which my own little boy picked up; I gave the other young man the change; I observed the prisoner had a great coat thrown across his arm, and I observed it stood out a great deal further than it would do unless something was concealed there; I stooped down to give this man change, and I saw the end of the paper, I immediately went up to him, and took from him this parcel of stockings from under his great coat.

WILLIAM BOWLER *sworn.*

I produce the bundle of stockings the prosecutrix gave to me, after she had taken the man in the shop; I live within a few doors of her; they have been in my possession ever since, they are now in the same state they were.

Prosecutrix. I know them by a private mark; the prisoner begged me to forgive him, and offered me his watch and money, money I saw none, but his watch he pulled out in his hand.

Mr. Peatt, Prisoner's Council. Did you say to the constable you saw him take the bundle?——No.

Are you sure of that?——I am sure of it.

Is that the only constable that was concerned?——The only one.

The MAID SERVANT *sworn.*

I saw my mistress take the goods from under his coat, I was in the shop at the time; my mistress said, you villain, what do you buy one pair, and steal a dozen! then I came out with the child in my arms.

Did you see the prisoner at the bar take them and put them under his coat?—No.

PRISONER's DEFENCE.

When I went into the shop, I had another young man with me, I saw him go by from a public house in Holborn; I used to buy stockings at this shop, and I recommended him there, he went with me and bought a pair, and he paid for them; there was a parcel, a great quantity of them lay on the counter; I knocked down two or three, and I was picking up one, and my great coat, which I had on my arm, slipped over it. She says I offered her money, but I would see her choaked before I would have given her any thing for any such thing.

The prisoner called three witnesses, who gave him a good character.

Court. What was the value of these stockings?—Thirty-six shillings.

GUILTY, Death.

Tried by the second Middlesex Jury before Mr. Baron PERRYN.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of MAY, 1785, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

533. VERNON LEY and ROBERT JACKSON were indicted for that they ſuppoſing one Benjamin Bell had lately ſerved our Lord the King, as a ſeaman on board the Carysfort, and that certain prize-money was due to him for ſuch ſervice, on the 18th of April laſt, feloniouſly did forge and counterfeit a certain letter of attorney to him the ſaid Robert Jackſon, purporting to be ſigned, ſealed, and delivered by him, the ſaid Benjamin Bell, in order to receive certain prize-money, then ſuppoſed to be due to him the ſaid Benjamin, for, and on account of his ſervice ſuppoſed to have been done on board the ſaid ſhip.

A ſecond count, For uttering the ſame, with intent to defraud Iſaac Clementſon and Samuel Denton.

(The Indictment opened by Mr. James, and the Caſe by Mr. Silveſter.)

WILLIAM HODGSON *ſworn.*

I produce the books of the Carysfort.

Was there a man of the name of Benjamin Bell, on board that ſhip?——There was.

Of what date is the entry with reſpect to Bell, in that ſhip?——The 1ſt of November, 1777; this is the original entry; here he is diſcharged, the 16th of February, 1780, then he went to Rocheſter Hoſpital, and his wages were paid to his widow and adminiſtratrix, on the 10th of January, 1781.

RICHARD LLOYD *ſworn.*

Have you there the books of the Rocheſter Hoſpital?——Yes, here is an entry reſpecting the name of Benjamin Bell, of the Carysfort; I bring this book from the ſick and hurt office, I am one of the clerks; Bell came to the Hoſpital the 13th of January, 1780, he died the 15th of February, the ſame year.

Hodgſon. From the muſter-book he was ſent ſick, the 13th of January, 1780.

Mr. Garrow. To what period does that firſt book that you produce come down?—The 30th of April, 1780.

Have you any more books here?—Yes.

Are you able to ſtate from any ſearch you have made, or any books you are able to produce, that a Benjamin Bell was not on board from February, 1780, can you bring it down to December laſt?—I cannot pretend to ſay now what time the ſhip was paid off.

So that there might have been two or three Benjamin Bell's for what you know, to the time the ſhip was paid off?—I cannot

not ſay, I have no other account than to April, 1780.

CATHERINE M'CARTHY *ſworn.*

I was at the King's Arms, Tower-hill, the 18th of April, the priſoners Ley and Jackſon were in company with me, it was between three and four in the afternoon, and Jackſon aſked Lee for that power he had given him of Benjamin Bell's, he ſaid he could not be any longer without it; Ley told him he had loſt the power, with ſeveral other papers he had in his pocket, one night when he was drunk, and he ſaid he would make him out one as good as the one he had loſt; and he ſent Jackſon to the Red Lyon in Wellcloſe-ſquare to fetch a blank power of attorney of his that lay there; Jackſon came back, and brought it with him; then he took him to this publican's where I was with him; then he took out his own pen and ink out of his pocket, and he took this power that Jackſon had brought him, and laid it down, and he began to write in it, and dated it the ſame date with the one he had loſt, and after he had done writing, he aſked for the landlady's ink-ſtand, and ſhe brought it, and he wrote ſomething with the ink of that, at the bottom of the paper, and he aſked her for a wafer, and he put a wafer on it for a ſeal, and held it in his hands, that the heat of his hands might dry it, and was drying it for a quarter of an hour or more.

Did he ſay what he ſent for the landlady's pen and ink for?——Yes, he ſaid he ſent for it that it might not appear of the ſame colour; Jackſon ſaid to him, that he would not go with a paper that my Lord Mayor's name was not to it; then Ley ſaid he Lord Mayor wrote different kinds of hands, and he had done it ſeveral times; he ſaid you blockead, you fooliſh man, I will have the landlady's ink to make it appear another colour; he ſaid, you blockhead, there is not the leaſt danger to you, for he writes a different hand, and I have often done it; then he put a wafer to it, and dryed it with his own hands, and ſent Jackſon away with it; I do not know where Jackſon went with it; he ſaid he was going to Mr. Clementſon's office,

Who ſaid that?—Vernon Ley; then a little time after Ley ſays to me, you ſtop a little, I want to go down to the ſtationer's to fetch ſome writing paper; ſo I ſtopped there not long, and I went to the Nag's head after Mr. Ley, and he tapped me on the ſhoulders, juſt ſo, do you want me Kit? ſays he; yes, ſays I; where have you ſent Jackſon, ſhew me; ſo he took me up a court, and ſaid, you take no notice, there is the lamp over the door where he is; I was deſirous to know where he had ſent Jackſon, becauſe he owed me ſome money; then I went to Mr. Clementſon's, and aſked if that was a houſe where they paid money for ſhips; I told them I wanted a young man that came in there.

When they were making out the power of attorney, did they ſay what ſhip it was for?——Yes, Sir, the Carlos, I think.

What was the man's name?——Benjamin Bell; then I came after to look for Mr. Ley, to let him know that Jackſon was taken, and and I could not find him; then I came to the Compter, and I ſaw Jackſon was taken; and Ley ſaid to me the next day, do not you open your mouth Kit to any one, what has happened, for I have two men that will prove the power, and I will fetch them to Guildhall by twelve o'clock.

Mr. Keys, Priſoner Ley's Council. Mrs. M'Carthy, how long have you known Jackſon?——I have known him for four years.

Are you his wife?—No, I am not.

But I believe you are very intimately acquainted with him?——I have been before now.

Do you apprehend that the evidence you are now giving, is in favour of Jackſon?——No, I think it no more in favour of Jackſon than Ley.

Have you ſworn the ſame you ſwear now, before the Lord Mayor?—Yes, I am ſure I have.

Nothing

Nothing more or less?—No.

Did not you say then, that all you saw was Ley writing a paper, but you did not know what paper it was?—No.

Remember you are upon your oath, was not it at the Globe, on Tower-hill, that you was?—No, I was at the King's Arms, next the Sick and Wounded office, they first met at the Globe, in Crutched Fryers.

At what o'clock was it that you first came to the King's Arms?—I cannot say.

Mr. Garrow, Prisoner Jackson's Counsel. What did Jackson say to Ley?—He came to Ley, and asked Ley for the power, and said, he could do no longer without Benjamin Bell's power, Jackson had given it to Ley; he said, it did not signify to keep him any longer in agitation, for that he was drunk one night, and had lost that power, and some papers, and he would make him another as good; when Jackson objected to it, says Ley, you blockhead, I have done it several times.

Mr. Keys. I submit to your Lordship, that this woman is an accomplice; admitting her evidence to be true, she clearly was there from the first moment that that application was made, if she speaks truth, there was a power of attorney forged in her presence, with my Lord Mayor's name, and Bell's mark put to it.

Mr. Keys. Had this money been obtained by Jackson, you was to have had part of it?—No, I want no money, nor I got no money, I expected no part of it.

HANNAH WILTSHIRE *sworn.*

I keep the King's Arms, Tower-hill, I have seen the prisoner Ley several times, I do not remember his being at my house on the 18th of April; I remember seeing him in the presence of Mrs. M'Carthy, there was another man in the box I believe; I cannot tell the day, or the day of the month, it may be about three weeks or a month ago; Ley was writing, he sat on the left hand side of the box, Mrs. M'Carthy and the other man, sat on the other side of the box; I took him some-thing to drink, I saw nothing else, I believe it was the prisoner Jackson.

Did you see from what he was writing?—No, I did not.

Did you go there more than once?—No.

Did they make application to you for anything?—Nothing at all, I cannot say whether they had a pen and ink with them, or whether they borrowed one at the bar.

Court. Do you recollect whether they borrowed a pen and ink of you?—I cannot say either one way or the other, or anything about it, I heard no conversation, I recollect nothing but that he was writing.

ISAAC CLEMENTSON *sworn.*

I am a Navy agent, in partnership with Samuel Denton, on the 18th of April, Robert Jackson came twice in the morning to enquire if a Mr. Ley had been to receive Benjamin Bell's prize money, we told him no, then he came a second time, then we were displeased with him, *(The Prisoner Ley desired Catherine M'Carthy might be put out of Court.)* The third time he came it was about three, and he brought this power of attorney for the prize money of Benjamin Bell, it did not appear to be the Lord Mayor's writing, and I compared another with it, and I detained him in the house till I went to ask his Lordship, if it was his writing: then Jackson said, the power was very good, and he knew the Lord Mayor signed it, and he could fetch the attorney that filled it up, I told him I had reason to doubt it was not the Lord Mayor's hand, and if I permitted him to go away, I should not see him again; I took him to the Lord Mayor, then the Lord Mayor said, it was not his hand writing, and I detained him; I marked it, I am sure it is the same power I received from Jackson; I saw Ley before the Lord Mayor, he was only taken up upon Jackson's information.

Is there any other man intitled to prize money on board that ship by the name of Benjamin Bell?—There is only one of the name, this is the prize list from the time that

that ſhip was paid off *(The power of attorney read.)* Jackſon told me the Lord Mayor had ſigned it; and offered freely to go with me before my Lord Mayor.

Priſoner Ley. Did you ever ſee me at your houſe?—I do not recollect I ever did.

Did not Jackſon acknowledge that he had given me a power of attorney, that had been ſigned by the Lord Mayor?—There had been a power originally ſigned by the Lord Mayor, he did mention that there was a power of attorney originally ſigned according to that date.

Did he ſay, he had given that to Ley to come to your houſe to receive the money?—Firſt it was an application of Jackſon's, to know whether Ley had received the money.

Mr. Silveſter. When were theſe prizes taken?——In December, 1777, and in April, 1778, no later than that.

Court. After Jackſon came the third time, do you recollect any perſon coming to your houſe to enquire for him?—Mrs. M'Carthy came, and was talking about Bell's prize money, and I aſked her in.

——— EVANS *ſworn.*

I am clerk to the Lord Mayor, I am very well acquainted with his Lordſhip's writing; but this has not the moſt diſtant ſimilitude.

Court. Is it the cuſtom of the Lord Mayor's office to keep an account of the inſtruments which are executed by the Lord Mayor?——It is.

Can you aſcertain by the examination, whether there was ever any power of attorney in the name of Benjamin Bell, executed by the Lord Mayor?——I have not ſearched above three weeks or a month, I have one book here, from the 3d of December, to the firſt of January; I have ſearched the whole of this book, I have none here earlier than that.

How far back would it be poſſible to ſearch that?——We make entries of all, that would take a conſiderable time; Jackſon and Ley both ſaid, that the real power was of that date.

Did he ſay what he had done with it after he had filled it up?—Jackſon ſaid, that he gave a ſhilling to pay the fee upon the execution of this power of attorney.

(The power of attorney read, and examined by Mr. Garrow.)

Court to Evans. What are the letters J. E. upon the ſeal?—The clerk generally puts his name on the ſeal, by way of mark.

Court to Clementſon. You ſaid, that Jackſon ſaid, that that power was a very good one, and that he knew the Lord Mayor had ſigned it?——Yes.

Will you endeavour to recollect, whether afterwards, he ſaid, it was a good power?—Afterwards, when they came to be examined before the Lord Mayor, he ſaid, there had been an original one executed by the Lord Mayor, and that Mr. Ley had loſt it, and had made them out that.

But at firſt, he ſaid, it was a good one executed by the Lord Mayor?—Yes.

PRISONER LEY's DEFENCE.

I was not with them at the public houſe on the 18th of April, I never was there then; that power that was produced to me at the Lord Mayor's, I acknowledged I filled it up; and on Wedneſday, Jackſon and this man that called himſelf Benjamin Bell, I did not know him, gave me the power to receive the money, I gave it back to Jackſon again, on Monday the 18th of April, and I was taken up on Wedneſday; if I had been guilty I had time enough to eſcape, the power was given to me to aſk for the money; I never went to Mr. Clementſon for it; I never was at the public houſe with M'Carthy but once, when I met them on the hill, they are man and wife together.

Priſoner Ley to M'Carthy. I ſhould be glad to know whether ſhe can read or write, or how ſhe knows that to be the power I filled up on the 18th of April.

Court. She has ſworn that you filled up a blank power, in the name of Benjamin Bell, and gave it to Jackſon.

Court to M'Carthy. Do you know this paper by ſight?——I cannot ſay, I cannot ſwear to this paper alone, but ſuch another paper as this was, in ſuch another way as this, that is all I can ſay.

Winſpear. It was about three weeks or a month ago, I cannot ſwear it was the 18th of April, or any particular day.

Were you examined before the Lord Mayor?—No.

WILLIAM CREE *ſworn.*

I am a ſeafaring man.

How long have you known Catherine M'Carthy?—For theſe ſeveral years ſince 1782; ſhe came on board the ſhip Artois along with a marine, which lay at the Nore, then ſhe left the marine, and went along with Robert Earle; that was the priſoner Jackſon, his name was Robert Earle on the ſhip's books, I cannot tell how long he and ſhe were connected together.

ELIZABETH PALMER *ſworn.*

I know the priſoner Jackſon, he went by the name of Robert Parry at our houſe, and Mrs. M'Carthy went as his wife, in the year 1783, near nine months.

What was her character?——I believe ſhe was a very honeſt woman.

SOPHIA BAKER *ſworn.*

I lodge in Smithfield, I am backwards and forwards at preſent to my huſband, who is in priſon here for debt, I know the priſoner Ley, I never ſaw the other priſoner to my knowledge but now, and at Guildhall, I remember on the 18th of April laſt, about ten in the afternoon, I ſaw Ley at the Globe in Crutched Fryers, I remained with him till between three and four, he went with me from the Globe to my huſband's plantiff, to try to make his affairs up, that was between three and four, we did not part till nigh ſix; we went down to the lower part of Wapping, I was not out of his company that day, from ten in the morning till ſix in the evening.

Mr. Silveſter. What day of the week was that?—On Monday, I went to this public houſe, and waited till he filled up a power for a ſailor, and wrote a note.

Do you know the King's Arms public houſe on Tower-hill?—No, Sir, I know the Nag's Head, I do not know the King's Arms; I was at chapel along with my huſband the Sunday before.

Did you ſtay from ten o'clock all that time in the houſe?—Yes.

Who is the landlady?—A fat luſty gentlewoman, ſhe was in and out of the parlour, I ſuppoſe ſhe might ſee us together.

What did you do all that time?—I do not know, there were ſeveral people there, I was obliged to ſtay as he was ſo good as to ſay he would go along with me; I left it about three and went over Tower-wharf, and went to Wapping; I was examined before my Lord Mayor.

Court. Did you know the Globe before?——No.

Do you know the King's Arms?—No.

How do you know it was not the King's Arms?——The landlady was a ſhortiſh luſty woman.

Should you know her again?—Yes.

Court to Winſpear. Stand up, look at that lady, is that the landlady?—It is not like the gentlewoman, ſhe is quite an elderly woman.

How was this man employed?—Several people came in and ſhook hands with him, and I ſaw him writing a power for a ſeaman, ſometimes he came in and went out.

Did he put his hand in his pocket, or give it to any body, when he had filled it up?——I do not know, I heard ſomebody call him out to the door, he did not ſtay long out with the gentlewoman M'Carthy; I ſaw him give ſomething to the other man.

Priſoner Jackſon. I wiſh to aſk this woman, if I did not go to No. 1, Lower Gun-alley, to enquire for Mr. Ley, the Friday before the Monday, and ſhe aſked me what I wanted, and I told her he had a power of attorney of mine, and he was playing tricks; I went to this gentlewoman, in Gun-alley?——I do not recollect him.

JULIANA

JULIANA DOYLE *ſworn.*

I came to the Globe one day, a little after theſe two gentlemen were taken into cuſtody, and I ſaw this Mrs. M'Carthy, I aſked her how ſhe did, and ſhe ſaid ſhe was very much in trouble, for her huſband was in gaol, about a power of attorney; ſhe ſaid he did not ſign it, but he filled it up.

JOHN TOBIT *ſworn.*

I have known him fourteen years, I live upon my means; he bears a very good character.

ARCHIBALD OSLAND *ſworn.*

I have known Ley ſeven years, he has a good character; he lodged at my houſe a good while.

NOAH LEE *ſworn.*

I am no relation of his; I have known him ten years, and upwards, his general character is a very good one; he lodged twelve months with me.

ELIZABETH ARMSTRONG *ſworn.*

I have known him thirteen years, he has a very good character as far as ever I heard.

ARCHIBALD MOFFATT *ſworn.*

I never heard any thing bad of him in my life.

BARTHOLOMEW DAWSON *ſworn.*

I have known him two months, I come to ſpeak ſomething I heard M'Carthy ſpeak about three weeks or a month ago; I had a little buſineſs at the Globe, on Tower-hill, and I happening to be ſitting in the room where Mr. Ley was, this woman happened to come into the room, I ſaid I believe you are a townſwoman of mine; the next day coming down Holborn, I met the woman which I believe was the day Mr. Ley was taken up, ſhe began to cry, and begged me to ſtop; I gave her a dram at the wine vaults oppoſite St. Andrew's church; I came to the Globe, and the firſt news I heard was, that Ley was a priſoner; the day following I met the ſame woman in Broad Saint Giles's; I aſked her if ſhe had ſeen Mr. Ley ſince, O yes, ſays ſhe, I have ſeen him, I have him faſt; he thought to hang my huſband, by Jeſus I will hang him; ſays I, don't hang anybody wrongfully; clapping her hands, "right or wrong I will be recompenced."

Was anybody elſe preſent at this time?——There was a gentleman in company whoſe name is Warren, he withdrew.

What are you?——I am a clothes dealer, I live in Maddox-ſtreet, St. George's.

Is Warren here?——Yes.

——— WARREN *ſworn.*

Do you know the laſt witneſs?—I ſaw him about a fortnight or three weeks ago in St. Giles's; Mrs. M'Carthy and he ſtopped and ſpoke together, I heard nothing that paſſed at all.

Did they ſeem earneſt in diſcourſe?——I walked on and took no particular notice.

Mr. Silveſter to Warren. Did Dawſon tell you any converſation he had?——No, never a word, I never ſtopped.

Court to M'Carthy. Do you know that witneſs Dawſon?——Yes, I have ſeen the gentleman once.

Is it true that that converſation paſſed between him and you, that he has ſtated?—The day I came to look for Ley, I let him know that Jackſon was taken; ſays I, Jackſon is taken, but we have Ley taken.

Did you ſay that Ley thought to hang Jackſon?——I did not ſay no ſuch thing, I would not ſay no ſuch thing, I would not ſpeak more in favour of one than the other.

Do you know Juliana Doyle?——Yes.

Did you ever tell her that Ley filled up the power, and that he had never ſigned it?—Upon my oath, I never did, I ſaid they were in for an innocent cauſe, I would not let her know.

PRISONER JACKSON'S DEFENCE.

About a week before Chriſtmas I became acquainted with a man by the name of Benjamin Bell, in Briſtol; we came to London in the ſame week that Chriſtmas was; I bore his expences, he had no money,

money, he ſaid he had prize-money coming from the Carysfort; when we came to London, I applied to this Mr. Ley, he ſaid there was wages due, and I went into a ſtationer's ſhop and bought a power, and he filled it up; and he ſaw me give this Benjamin Bell one ſhilling, to get it ſworn before my Lord Mayor: about twelve the next day this Bell called with the power, and I believe it was ſigned by the Lord Mayor; then I remitted him fourteen ſhillings; then I made this power over, with an order, on ſtampt paper, for Ley to take the money for Bell due to me, I applied ſeveral times after, till the 18th of April, then he told me he had loſt the power he had; then he aſked me into the Nag's Head, and wrote a letter to Mr. Curtis, of Wellcloſe-ſquare, there I got a blank power, very well ſays Ley, that is what I want; Ley aſked me and Mrs. M'Carthy to this houſe, next the ſick and hurt office; I went to aſk Mr. Clementſon whether Ley had received any money for the Carysfort: I thought he was playing tricks with me, before I came back to the public houſe where Mrs. M'Carthy was, he had a power made and filled up; ſays he, now you may go and get the money; ſays I, did not you tell me you loſt it; it is no matter, ſays he, get your money upon it; then I went to Mr. Clementſon's, and he ſtopped me.

PRISONER LEY's DEFENCE.

I acknowledge that I filled up a power for him on the 28th of December, and that he gave the man a ſhilling, and that he came to me on Wedneſday the 29th, and aſked me two or three times about the power, and I delivered to him the ſame power.

Court to Jackſon. Who did you go to for a blank power?——To one Curtis in Wellcloſe-ſquare.

Have you ever ſent to him to come here?—No, I did not.

Court to Clementſon. Have you ever made an enquiry into that fact?——No, I never was requeſted to do it.

Where does he live?——In Wellcloſe-ſquare, at the ſign of the Red Lion.

Court to Ley. Did Jackſon in your preſence before the Lord Mayor tell this ſtory about going to Curtis's for the blank power?——I do not recollect that he did.

Jackſon. I did, my Lord Mayor knows I did, did not I Sir?

Evans. Yes, he certainly did.

Ley. I recollect now, I underſtand you properly, I was then writing a petition for a man to Sir Charles Middleton to be ſuperannuated, then I deſired Mr. Jackſon to go to Mr. Curtis's for a power, but that was a woman whoſe huſband was in Newgate.

Court to Ley. Who did you fill up that power of attorney for?——I never filled it up, I gave it to Sophia Baker's huſband; here are the people belonging to Newgate knows there is ſuch a perſon there, and that the propoſition was made.

The priſoner Jackſon called twelve witneſſes who all gave him a very good character.

The Jury withdrew ſome time, and returned with a verdict

VERNON LEY, NOT GUILTY.
ROBERT JACKSON, GUILTY Death.

Tried by the London Jury before Mr. RECORDER.

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534. FRANCIS METCALFE was indicted for feloniouſly ſtealing on the 5th of April laſt, ſixty pair of leather gloves, value 3l. the property of Edward Penny, in his dwelling houſe.

CHARLES SHIPLEY *ſworn.*

I live in the Old Change; my father is a hair-dreſſer; about a quarter paſt eight, I was ſhutting up ſhop, and a little boy came and ſaid ſome people are robbing Mr. Penny, I went to the back door that comes into the Old Change, and found the priſoner coming

ing out he had his apron tied up, and a bundle in his apron, he puſhed me right in the kennel, and run immediately into Cheapſide, and he got out of my ſight; this was a quarter paſt eight, on the 5th of April, it was not light, but I ſaw his face, I was cloſe by the door when he came out, I knew him before, and knew his name, he went to St. Ann's ſchool.

How long after this was it that he was taken?——It might be a fortnight, I told this perſon his name, and every thing; about twenty minutes paſt eight I went into Noble-ſtreet, and I told it to another witneſs that is here.

Mr. Peatt, Priſoner's Council. It was a quarter paſt eight?——Yes.

You ſaw his face?——Yes, and I will ſwear to it.

Was you at any time fetched to Wood-ſtreet Compter?——Yes.

And there Clarke and you ſtood at the two gates, and Clarke pointed out the priſoner to you?—No, he did not.

He did not point or look?——I went and looked through the gate, and picked him out.

He was not pointed out to you by any perſon?——No, he was not, I went and pointed to him.

I ſuppoſe you was very intimate formerly, did not you and the priſoner quarrel once about a girl?——No, never in my life.

WILLIAM EDWARDS *ſworn.*

I am a ſhopman to Mr. Penny; theſe gloves were in the ſhop, they were by the back door which was left open.

SAMUEL REDGATE *ſworn.*

About twenty minutes after eight, on the 5th of April, I ſaw the priſoner coming by with a parcel under his left arm, that anſwered the deſcription of what Mr. Penny had loſt, the bundle was ſomething white in the front; he was coming towards Cheapſide way; he was dreſſed in a light drab coat, his coat was cloſed on the right ſide; he juſt turned his head and looked at me; I ſaw no apron at all, I ſaw his bundle, I knew him before, I have known him a good while, I knew him when he came into St. Ann's ſchool, I am ſure it was him.

Mr. Peatt. How far was you from the priſoner when he came out?——He juſt made way, and I made way for him, the bundle was under his left arm, I was not a yard from him, and his coat was cloſed on the right hand ſide.

Did you follow after the priſoner?—No.

Was you intimate with the priſoner, did you ever drink with him at any public houſe?——Never.

Nor never had any quarrel with him?—No, Sir, not that I know of.

Had the priſoner a green apron, or a red apron?—I did not ſee any apron.

Had he any thing in an apron that you recollect?—All that I ſaw was under his arm.

JOHN ASKEW *ſworn.*

Do you know the nature of an oath?—Yes.

What is the puniſhment if you ſhould tell a lie?——I ſhall go to a dark dungeon where there is fire and brimſtone.

Do you know that you are liable to be puniſhed by law?——Yes. I ſaw the priſoner ſtand with four more, and go into the houſe, and come out with a ſack in his hand; he went in at the private door of the Old Change, he had ſomething in a white apron, but I cannot ſwear what was in it; he went away acroſs Cheapſide, he came back, and he went in a ſecond time, and ſtaid in about a minute and a half, when he came out he had ſomething in his apron, and I ran to Charles Shipley and told him, and he went after him a little way, but he got into Cheapſide, and he could not purſue him; I have ſeen the priſoner before at St. Ann's ſchool, I am ſure it was him, there was a great light, I could ſee his face very well.

Mr. Peatt. Did you know any of the perſons that were with him?——No.

Have you ſeen any of them ſince?—— No,

Did they ſeem to be young or old?—— Young fellows; he had nothing on his back or under his arm, he had a light coloured coat, a drab coloured coat, and a red ſhag waiſtcoat.

WILLIAM FORSYTH *ſworn.*

I had information that the priſoner had robbed this gentleman's ſhop of a quantity of gloves; me and my brother officer went in purſuit of him ſeveral times, at laſt we found him in Alderſgate-ſtreet, and took him into cuſtody; he had nothing upon him; I told him what I took him up for, and he denied it, nothing was found.

Court to Edwards. How came you to take notice of this particular parcel of gloves?——Becauſe they were to be called for the next day; they were in a paper, tied round with one ſtring; they were a pretty large ſize, about twenty inches long, and ſix or ſeven inches deep: I heard of the alarm about half an hour after I put the things by, then I found that parcel was miſſing; I found Shipley at the door, when I came down he told me there had been ſomebody in the houſe, and he ſuppoſed they had taken ſomething out.

Did he tell you this ſomebody was?—— No, he did not know then, but this lad Aſkew told him afterwards that it was Metcalf who went to ſchool with him.

Mr. Peatt, to *Mr. Penny.* Do you ſend your goods to the waggon by your own ſervants?——Yes, this parcel was looked out by a gentleman of Chicheſter.

Shipley. My Lord, I told him then that I did know, I will take my oath that I did.

Priſoner. My Lord, when Mr. Clarke and that gentleman took me up, they ſaid they would tell me by and by what it was for, when I came to the Compter, they ſaid I ſhould know by and by, they went and fetched that gentleman in green, and I was called out ſeperately by myſelf.

Forſyth. It is no ſuch thing, I was preſent when this man pointed to the priſoner, that is the man ſays he, I will be on my oath.

JOHN BURTON *ſworn.*

I am a taylor, I have know the priſoner about twelve years, I never knew ill of him nor ever heard any.

GUILTY

Of ſtealing to the value of 39*s.*

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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535. EDWARD JOHNSON was indicted for feloniouſly ſtealing, on the 28th of April laſt, fifty nine yards and a half of green ſilk, called Perſian, value 50s. the property of John Geib, privately in his ſhop.

JOHN GEIB *ſworn.*

I am a mathematical inſtrument maker, I uſe green ſilk in my buſineſs, in the inſide of my inſtruments, for my Piano fortes.

Do you keep an open ſhop?——No, I work for Mr. Longman and Co. Cheapſide.

Then you do not ſell green ſilk?—— No, Sir.

Then you never ſell green ſilk in your ſhop, or any thing of that ſort?——I ſell none at all.

How did you loſe it?——I do not know, it was ſtole away privately from me, on the 29th of April, I had fifty-nine yards and a half.

JOHN COOPER *ſworn.*

I am a pawnbroker, on the 28th of April the priſoner brought this piece of green Perſian to my ſhop, and wanted to pledge it, I think it was between ſeven and eight, he wanted ſeven ſhillings upon it, I did not know him; I am ſure the priſoner is the man, I ſtopped him, and took him to the office in Bow-ſtreet, and it was a late hour

hour to ſend him to priſon, and the next morning he was had up for further examination; before I went to the office in Bow-ſtreet, I made enquiry of ſeveral ſilk mercers, and aſked them if they knew the number on the roll, at laſt I learned that the priſoner had worked for Mr. Flight, organ-builder, and there I heard he worked for Mr. Geib, and he told me one Johnſon worked at his other ſhop, he told me he had not loſt any ſilk; he ſaid, I will ſhew you our's, and on looking round he could not find his ſilk.

(The ſilk depoſed to.)

Proſecutor. I know it by the mark on the roll, and by a piece of the ſame ſort I have in the houſe; the priſoner had worked for me three days.

CHARLES DRAKE *ſworn.*

We ſerve Longman and Broadrip with this ſilk that the proſecutor owns, it is the laſt piece we ſold them, it was No. 29,999, this is a piece on the ſame ſtick that we ſerved Longman and Broadrip with; I have every reaſon to ſuppoſe it to be the ſame ſilk, but I cannot ſay.

Court to Geib. Did you receive that ſilk from Longman and Broadrip?—Yes.

Do they furniſh you with materials for making inſtruments?——Yes.

Then you are paid only for the workmanſhip?—Yes.

They ſent in this piece of ſilk?—Yes.

PRISONER's DEFENCE.

I lived in his ſhop in Holborn, and coming up Fleet Market, I picked up this ſilk, and took it to the pawnbroker's, and to another man, and borrowed ſeven ſhillings upon it.

GUILTY

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Juſtice WILLES.

536. WILLIAM SEDDON and JOHN FENNEL were indicted for feloniouſly ſtealing, on the 28th of April laſt, two hundred and forty halfpence, value 10s. and one hempen ſack, value 6d. the property of John Lucas.

JOHN LUCAS *ſworn.*

I am a farmer, at Bow's farm, Edmonton; on the 18th of April, I ſent my cart to town with faggots, the common price for them is twenty-four ſhillings per hundred, I ſent three quarters of a hundred.

THOMAS GRAHAM *ſworn.*

I am carman, on the 20th of April, I carried three quarters of a hundred of faggots, I ſold them to the baker's the corner of Saffron-hill, facing Chick-lane; I ſold them at the rate of twenty-ſix ſhillings per hundred, they were very good faggots, I was paid ten ſhillings in halfpence, and the reſt in ſilver, nine ſhillings and ſixpence; I put the halfpence in my coat pocket firſt, then they were ſo heavy they tore my pocket, I put them into my ſack, it was about eleven or a quarter after when I put them into my ſack; I miſſed them when I came to Hatton Wall, facing the George-yard, I miſſed ſack and all; I ſaw two men ſtanding cloſe by, and I put the ſack and halfpence into the cart, I ſaw them jogg one another, and give one another a *twink*, and I was *dubrus* of them directly; I was obliged to enquire after my dung, I left a woman in care of my team of horſes, while I went after it, as ſoon as I came back the woman that I left to take care of the cart, hallooed out to me, and ſaid, farmer, have not you had your cart robbed; I ſearched about for theſe two men at ſeveral places, and I came back again to my team, and the woman ſaid, farmer, the young man that ſaw them take out the bag as well as I did, he knows perfectly where one of them quarters; and I afterwards got a conſtable, and took up the two priſoners.

——— RAWLINSON *ſworn.*

I am a conſtable, I was applied to, to take

take the prisoners, I cannot tell the day of the month, but I am sure it was within this fortnight, I did not make any memorandom of it; I went to a suspicious house, known by the sign of the Coach and Horses, in Turnmill-street, they were not not there, but just gone; I went up Turnmill-street, and saw the two prisoners walking together, a woman whose name is Newton, told me positively they were the men that took the bag out of the cart; I told the prisoners they must go with me before the Magistrate; I found upon Fennel eight shillings and eight pence farthing *in halfpence*, I found no bag or anything of that sort, the money was all taken from John Fennel.

Prisoners. It was only seven shillings and seven pence three farthings, *all in halfpence*, that was all.

ANN NEWTON *sworn.*

I sell fruit the corner of Hatton-garden, Hatton-wall.

Did you undertake to take care of this man's cart while he went to enquire about some dung?—He came to me between eleand twelve, and he says to me, good woman, will you give an eye to my horses a bit, I said, yes, my barrow was about twelve yards off, presently after the two prisoners came up and stuck themselves against the wall, and the tall one says to the other, damn your eyes! did not you see whereabouts he threw it, then the other said, he did not, and he swore another oath, damn your eyes! come round, and I will shew you; I was then about eight or nine yards off, with that they went round the end of the cart, and stuck themselves against the wall; somebody came to me for apples or nuts, and the tall one stepped up on the wheel of the cart while I was serving the fruit, and he took a bag out, but what was in it I cannot say, I saw him take the bag out, and the tall one came up to me, and said, old mother, for God's sake take no notice of us; I saw the bag under the short man's arm at the time, and they run away, a young man that was standing in his cart just by, said to me, Newton, there is a robbery committed; that young man is not here, his name is Rush, then the farmer came out of the George yard, and immediately we told him.

Prisoner. If you was to inspect into that woman's character you would not believe what she says; ask her if she knows Mr. Williams?——Yes.

Did not he attend at the time we were committed, and tell her she deserved more to be taken up than us; and did not he say, you know very well I could take you up directly?—You hold your tongue a minute, you see I took a ready furnished room, and while I was sitting with my fruit a woman stole the sheets and a silk handkerchief.

PRISONER FENNEL's DEFENCE.

When I was taken I had halfpence, I was going to buy myself a coat or a jacket, and I asked this young man to with me; I had saved these halfpence up, some were very good and some very indifferent.

PRISONER SEDDON's DEFENCE.

I know Fennel, and coming down Chick-lane, I saw him at a public house door, I went into Cold Bath-fields and met him again, he asked me to go with him, and he would treat me with a pint of beer, I went with him, and we had three or four pints, he asked me to go to Rosemary-lane, to buy him a coat, I told him I would, and at Clerkenwell-green we were taken, I know no more of it than a child unborn.

BOTH NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice WILLES.

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537. WILLIAM POULTERS was indicted for feloniously stealing, on the 29th of April last, at the parish of St Botolph without Aldgate, one gold ring, value 6s. the property of John Morgan, privily in his shop.

JOHN

JOHN MORGAN *ſworn.*

I am a pawnbroker.

Court. You keep an open ſhop for the ſale of goods?——Yes.

Was this ring what you had a right to ſell?——Yes, on the 29th of April, this priſoner and another came into my ſhop, and aſked to look at ſome rings, he wanted to buy a ring, I ſhewed ſome rings, I weighed him one, and delivered it to him, as a purchaſe, I ſaw him take it, I valued five ſhillings, but they have valued it at ſix-ſhillings, it was a penny weight, and half-penny, and three grains, he took it up and run away with it; the other young man ſtood by the ſhop window, it was ſeven o'clock in the afternoon, I am ſure that was the man; I jumped over the counter and ran after him, and laid hold of him and brought him back, I never ſaw the ring ſince.

Court. Then you delivered the ring to him?—I delivered the ring to him for ſale, and I expected him to pay for it.

Mr. Brown, Priſoner's Counſel. Was not he intoxicated?——He might, I did not perceive it.

Priſoner. I am innocent.

ROBERT GRAY *ſworn.*

I have known the priſoner twenty years, he was apprentice to my father, and his father was unfortunately drowned, and my father took him and kept him, and when he had been two or three years took him apprentice, my father was a mariner, and at my father's deceaſe, he was bound over to me, he ſerved duly and truly; I could mention a variety of inſtances of his honeſty, I have ſeveral times laid down on my bed fatigued, and money has dropped out of my pocket, he has ſeveral times found halfpence, ſixpences, and ſhillings, and always gave them to me, he went from me at the age of twenty, this was at the beginning of the war, he is now about eight or nine and twenty, he has been on board of a man of war almoſt all the war, and had a good character.

The priſoner called five more witneſſes who all gave him a very good character.

Court. Is he a married or a ſingle man? Married.

What family has he?--He has a family coming on very ſtrong.

Court. This man has a very good character, he has a wife and ſome children, and more coming, burn him in the hand and diſcharge him directly.

GUILTY.

Branded.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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538. WILLIAM TATUM was indicted for feloniouſly ſtealing, on the 28th of April laſt, one pair of iron tongs, value 1s. one iron fire ſhovel, value 1s. one iron poker, value 1s. one iron fender, value 1s. one pair of blankets, value 10s. three flat irons, value 1s. one tin japanned bread baſket, value 6d. one pair of bellows, value 1s. a ſet of glaſs crewets, value 1s. one pair of ſteel ſnuffers and ſtand, value 1s. one ſilver tea ſpoon, value 1s. and one hearth bruſh, value 6d. the property of John Downham.

JOHN DOWNHAM *ſworn.*

I am ſervant to Mr. George Bond, in the Temple, at his chambers, I had been ill for a long time, and on that account I have been in the country, I was gone three weeks, I left during this time, the priſoner in my houſe as a lodger, I live at No. 8, in Little Shire-lane, the priſoner has lodged with me between two and three years; I have a wife but no family; I returned to town the 29th or 30th of April, when I came to town my wife miſſed a few things, ſhe was with me in the country, and the priſoner had left his lodgings, and we ſuſpected him, I afterwards ſaw at Mr. Cooper's in Wych-ſtreet, a ſpoon and ſeveral other things; on Wedneſday the 4th of May, the priſoner was taken up, and he confeſſed,

Were there any promiſes or threats made to him?——I think there was.

Mr. Garrow, Priſoner's Counſel. The priſoner lodged with you three or four years?——Yes.

He lodged with you at the time that he was a very honeſt clerk to me, though I did not know he was here till I ſaw him?——Yes.

The ſtate of his health had been very deplorable, that theſe things have been pledged and redeemed occaſionally, as his wants called upon him?—I believe they have.

When he was preſſed for bread and for medicines, then they went again?—Yes.

What was his character for honeſty?—I never ſuſpected him of any one thing, I believe he muſt be tempted by extreme want and inconvenience.

JOHN COOPER *ſworn.*

I produce a fire ſhovel, tongs, and poker, which I took in the 6th of April, I have a great number of things in my poſſeſſion.

Where did you get them?—I took them of the priſoner for two ſhillings and eight pence.

Had he pledged anything with you before?——Very frequently, I have known him for upwards of two years, and he always had a very good appearance.

Mr. Garrow. Mr. Cooper, you are a pawnbroker, in the neighbourhood of the Temple?—In Wych-ſtreet.

One of thoſe good friends of our's that live in that neighbourhood, you have known this poor fellow pledging things for neceſſaries; I take it for granted, that as a pawnbroker you do not know his merits?—I believe not.

WILLIAM JORDAN *ſworn.*

I am ſervant to Mr. Cooper, I produce the things mentioned in the indictment.

State the articles?—Theſe are the tickets, I took in the following articles, a pair of blankets, a fender, two ewers with plated tops, one pair of ſnuffers, and a flat iron; I took them of the priſoner at ſeveral times, and ſome part of them, I think I may venture to ſay, I have had twenty times in and out.

How long has he continued to do that?—The things were all pledged between the 16th and 28th of April, ſome of them I remember to have had ever ſince I lived with Mr. Cooper, within theſe ſix months.

Court. Look out the Act for pawning things without the conſent of the owner.

Mr. Garrow. Do you know enough of this poor fellow to know what the ſtate of his health was?—No, Sir.

(The things produced and depoſed to.)

Court. In whoſe name did he pledge them in?—In his own name.

Mr. Garrow to Proſecutor. Were theſe things in the apartment occupied by the priſoner?—No, they were not, they were in a cloſet adjoining his room.

And truſted to his care while you was out of town?—Yes.

(The ſhovel, poker, and tongs depoſed to.)

Mr. Garrow. How do you know them?—By two or three ſcratches that look like bruiſes.

I dare ſay mine are ſcratched much in the ſame way.

Priſoner. I have nothing to ſay.

BENJAMIN HUNTER, Eſq; *ſworn.*

I brought this man up from the country about ſix wears ago, when firſt I was called to the bar, he lived with me two years, I parted with him with very great reluctance to ſettle his father's accounts; he lived with his father ſometime, he has been out of my ſervice four years, but he has been in ſome degree the object of my attention, having brought him firſt up to town, I was naturally deſirous his intereſt ſhould be promoted; he lived with Mr. Tancred, and lodged with the proſecutor, and I always underſtood he lived with the greateſt ſobriety; ſince this buſineſs happened, I underſtand he is in an extreme bad ſtate of health; and if he is acquitted in this inſtance, I certainly ſhall do every thing in my power to put him into ſuch a ſituation, that he ſhall not be tempted to do any thing of the kind again.

Mr.

Mr. Garrow. My Lord, I think it more important to this young man, that his character ſhould be cleared, than that he ſhould be barely acquitted: by an act of the 13th of George II. chap. 24. there is a ſpecific penalty impoſed on perſons who ſhall pawn the goods of others, without the conſent of the proprietor: that is clearly the caſe of the priſoner; he, without the conſent of the proprietor, pawned the goods: the Act of Parliament has provided the penalty of twenty ſhillings, and certainly as the legiſlature annexed that penalty to the offence, it ſhewed at that time it was not to be conſidered as a felony; I ſhall ſubmit therefore to your Lordſhip, in point of law, he cannot be convicted on this indictment.

Court. This is a queſtion in ſome meaſure to be left to the Jury, with direction in point of law; it has very frequently occurred to my own mind, what difficulties muſt ariſe from the Act of Parliament which I have now before me, upon that particular kind of felony, of which we have a great many inſtances here; and I take it, (for otherwiſe it ſeems extremely difficult, if not impoſſible, to reconcile the law) I take the diſtinction to be this, that where things are taken with a felonious intention, and afterwards pawned, then the circumſtance of pawning does not make the act leſs penal, it remains a felony, and requires no Act of Parliament to make it ſo; it is one way of diſpoſing of ſtolen property; but where there is no offence but that of pawning without the conſent of the owner, with an intention of reſtoring the property, it ſeems to me that if any offence can be within this Act of Parliament, it muſt be that offence; therefore I ſhall leave it to the Jury, to declare whether they believe that he intended to ſteal theſe things, and convert them to his own uſe; in that caſe I ſhould be of opinion, that it would be a felony, and in the other, not a felony; for it would be a very ſtrange conſtruction that that which was meant to be the ſubject of this Act of Parliament was a felony; and it has been univerſally held that all Acts of Parliament inflicting leſſer penalties, repeal greater ones.

Mr. Hunter. During the time theſe things were firſt pawned, his father died, and he was intitled to have ſome part of the property, that is a fact within my own knowledge; and he was in expectation of ſome money, by which he could redeem thoſe things.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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539. The ſaid WILLIAM TATUM was again indicted for feloniouſly ſtealing on the 2d of March laſt, at Lincoln's-Inn, twenty-five printed books, value 38s. the property of Darcy Tancreed, Eſq.

DARCY TANCREED, Eſq. *ſworn.*

I miſſed theſe books about two months ago, or rather better; I advertiſed them twice in the daily papers, but I heard nothing of them, till Mr. Downham, the priſoner's landlord came to me.

Mr. Garrow. Do not tell us any thing he ſaid to you.——He came to me after he had taken up the priſoner, I went immediately to Juſtice Walker's, where the priſoner was taken, and I ſpoke to the priſoner, and aſked him, have you done any thing with any of my books? he was very much confuſed, and muttered ſomething, I thought it was no, but I was not ſure; I told him, if he had got them he had better be candid and open, and perhaps he might expect mercy.

Court. After that declaration, the law will not permit us to hear what he ſaid: in conſequence of that did you ever find any of your books again?——Yes, I found them again at the pawn-broker's in Wych-ſtreet.

What did you find there?——I found all the number mentioned in the indictment, I think it was eighteen, but I am not ſure; I found

found ſeveral books, many of which I had not miſſed: I knew them all.

How did you know them?——Many of them I had wrote the price in which I had given for them; my book-caſe was open, and the key in it; I always let the clerks go and read there when they have nothing elſe to do; the priſoner was my clerk a year and a half; I had not the leaſt ſuſpicion of him.

Did he live with you at this time?——No, I parted with him the 26th of March, which is about three weeks.

Mr. Garrow. This poor fellow lived with you one year and an half?——Yes, thereabouts.

You had advertiſed your books without ſucceſs?——Yes.

And would never have learned any thing of them without his information?——No, I had not the leaſt cauſe of ſuſpicion before this unhappy affair.

Mr. Cowper gave you no manner of information?—No, Sir.

WILLIAM JORDAN *ſworn.*

Theſe books I received of the priſoner, on the 4th of April, I delivered him four of theſe volumes on that day, and he brought another volume on the ſame day.

When had they firſt been pledged with you?——I cannot tell.

Had they been pledged more than once with you?—I believe they have.

How long had they been away?—About two or three hours; there are other books that I cannot ſpeak to, becauſe they have been pledged with Mr. Cowper before I lived with him.

Mr. Garrow. Theſe were an incompleat ſet, were not they?—Yes.

Not in a ſtate fit for ſale?—No.

How long have you been a pawn-broker?—Eight years.

Upon your oath do not you know that an incompleat ſet of books is much more fit for pledging than for ſale?—I do not pretend to ſay it, I do not know the value of books.

Court. It is a matter of inference; he is not bound to ſpeak his opinion.

Mr. Garrow. I do it merely for the credit of the witneſs.

Court. I do not think it goes to his credit.

—— MILLER *ſworn.*

I have taken books of the priſoner ſeveral times, I have not ſeen this parcel of books, *(looks at them)* I believe there is one book which I ſhould know, here is one book with two others, which was pledged the 12th of March laſt, which I have taken of him before ſeveral times; I have left the buſineſs, only I was requeſted to attend here; I cannot identify them, they have been mixed.

(The five volumes, and one volume depoſed to by Mr. Tancred.)

Theſe are the five firſt volumes of the Harleian Miſcellanies, I never had the three laſt volumes; I had them of ſome relation, and here are their names in them; he left my ſervice the 26th of March; he called in once or twice afterwards, but I was there; I advertiſed theſe things, I think about a month before, he had no opportunity of taking theſe books after he left my ſervice; and I do not think he could have brought them back without my knowledge.

What was the ſtate of his health?—I only know from hearſay; I hear it is very deplorable indeed.

Mr. Garrow. I will aſk you, from my knowledge of your character, do you believe he was prompted to do this from neceſſity?—Upon my word, I think he could not do ſuch a thing without it was from diſeaſe and neceſſity.

Court. You have given a very good natured anſwer to the queſtion; but I am bound in juſtice to aſk you another queſtion, how could this man be reduced to ſuch diſtreſs, while he remained in your ſervice? I am ſure, my Lord, I do not know w[illegible]

his diſtreſs was, I have heard nothing but about his health.

Was it a ſort of diſeaſe, an extremity of diſorder, that does exhauſt a man's money? —I obſerved he was in great pain when he walked.

Mr. Garrow. One can rather hint at the diſorder than talk of it; but I will aſk Mr. Downham?——I really believe he was in a moſt unhappy ſtate, from a certain diſeaſe.

GUILTY.

To be burnt in the hand and diſcharged.

Court to Priſoner. In conſideration of your former good conduct, and the diſtreſſed ſituation you have been in, theſe gentlemen have all of them very humanely intereſted themſelves in your behalf, and they ſay they have an opportunity of ſending you abroad, if your health was properly reſtored, which I think in point of juſtice you ſhould; but you cannot be ſent in the ſtate you are in, and confinement in priſon would be fatal to your health; therefore I will order you to be burnt in the hand for this offence, in confidence from theſe gentlemen, that when you are better, you ſhall be ſent out of the kingdom.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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539. HUMPHRY INGRAM was indicted for feloniouſly aſſaulting Gibſon Lucas on the 9th of April laſt, on the King's highway, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 40s. one ſteel chain, value 12d. a baſe metal ſwivel ſeal, value 1d. a piece of baſe metal watch key, value one half-penny, the property of the ſaid Gibſon, privily from his perſon.

GIBSON LUCAS *ſworn.*

On the 9th of April laſt I loſt my watch, between twelve and one at noon, between the Turk's Head bagnio and Northumberland-houſe, juſt facing Johnſon's-court in the Strand; I was coming with a chair on my head, when I was paſſing Johnſon's-court, I was puſhed about for a conſiderable time by ſeveral men, it was the time the man was ſtanding in the pilory; a man was coming paſt with a load upon his head, and they puſhed me againſt this man, and I thought I felt my watch ſlip out of my pocket; I immediately put my hand down and miſſed my watch; I ſaw it in the priſoner's hand, I am ſure of that; I then quitted my chair and got hold of one of his arms, I immediately ſaw a watch in another man's hand, I did not ſee him give it to the other man, but I ſaw it firſt in the priſoner's hand; I immediately ſeized the watch in the other man's hand, and in ſtruggling broke the chain, he had the watch, and I had the chain; then I got hold of that man, and held him faſt; and I immediately ſaw the priſoner, and ſaid, he was the man; he was juſt ſtanding by me, he was then in the cuſtody of one Bruce, but I did not know it till afterwards, I am ſure the priſoner was the man, I am very poſitive of it; he was taken into cuſtody, and was committed; it began in huſtling me about; I was afraid they would puſh me down with my chair.

Court. Was this ſhoving ariſing from the great croud and concourſe of people, or on purpoſe?——It appeared to me to be on purpoſe.

Was there any thing like a blow ſtruck, before the watch was taken?——Not before the watch was taken, I do not remember there was any violent blow, only puſhing and huſtling from one to another.

What it that kind of huſtling that ariſes from a croud; or did any particular perſon appear to be puſhing you?——I cannot ſay that I took any particular notice of what any one man did more than another.

WILLIAM RHODES *ſworn.*

I am an officer of the pariſh of St. Martin's, I was there on my duty; I heard a great

great ruſh; I went out to ſee what was the matter and I found the proſecutor had loſt his watch, they was ſtruggling for the watch, Sir Robert Taylor was at a window at the Stationer's, he beckoned to me, I took him in cuſtody after the affray was over.

JOHN DRUCE *ſworn.*

On the 9th of April, I was ſtanding at Charing Croſs, looking at the man in the pilory, and the proſecutor was coming by with a chair on his head, and another man with a box on his head, they were intangled together looking down, I ſaw the priſoner's left elbow againſt the proſecutor's right-ſide, and I ſaw him take the watch out of his pocket and convey it to the other perſon, I never took my eyes off the perſon till I overtook him.

Did you obſerve a moment or two before the taking of the watch any conduct in the priſoner and the people about there?—There were a great many people round about.

Did you obſerve any particular violence uſed to Lucas?—No more than they were at his right-ſide, I did not ſee any blow given, I ſaw no particular ill-uſage, I never had my eye off the priſoner after he took it.

PRISONER's DEFENCE.

I have nothing to ſay, I have no friend in the world, this ſoldier ſaid when he was at the Juſtice's, that he was cloſe to the gentleman, but did not ſee my hands there, I was ſearched, I had a knife and three halfpence in my pocket.

Jury. How do you get your bread?——I ſell things with a jack-aſs.

GUILTY.

Of ſtealing, but not privately.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

541. ELIZABETH SCOTT was indicted for feloniouſly ſtealing on the 4th of May, twenty-four linen handkerchiefs, value 13s. and eight cotton handkerchiefs, value 8s. the property of Robert Salter, privily in his ſhop.

(The witneſſes examined apart.)

ELIZABETH SALTER *ſworn.*

I live in King ſtreet, Tower Hill, my huſband's name is Robert, he keeps the houſe and a hoſier's ſhop; on Wedneſday morning the 4th of this month I loſt the things mentioned in the indictment, value 1l. 1s. that is not the full value, it is under prime coſt; it was between eleven and twelve in the forenoon, ſhe ſtood very near the ſhop window, I was ſtanding in the parlour and I obſerved this woman in the ſhop, I did not ſee her come into the ſhop, there is a glaſs door between the ſhop and the parlour, and I ſaw the priſoner through the door that was open; I went into the ſhop and aſked her what ſhe wanted, ſhe aſked for purple ſtockings with pink clocks, I told her we had no ſuch thing, and ſhe went out, I thought ſhe looked like a ſuſpicious perſon, I went and looked at the bottom of the counter which is a ſmall diſtance, and I obſerved theſe handkerchiefs gone, they lay before that at the bottom of the counter, they were all tied up together in brown paper.

Did you yourſelf ſee her at that part of the counter?—I did not, when I obſerved the handkerchiefs were gone, I called to my maid and told her to run after the priſoner, the girl went after her and brought her back; I accuſed her with ſtealing them and ſhe ſaid ſhe had not, and I lifted up her cloak on the inſide and heard the handkerchiefs drop from under her cloak, they were in a bundle and I ſaw them juſt as they had been in the ſhop.

When had you laſt examined the bundle?—Not very lately, I ſtood very cloſe to the priſoner, I cannot ſay the number of handkerchiefs that were in the bundle, but I can ſay with preciſion they were linen and cotton, the cotton are marked with

with A. N. my husband's writing, and the linen are marked A. B. and A. O. which are my hand writing.

ANN THOMPSON *sworn.*

I went after the prisoner to bring her back, between eleven and twelve, I was with my mistress in the parlour, I saw the prisoner in the shop, I followed her, she had a cloak on, she was walking about a dozen yards from the shop, she was not running; I told her my mistress wanted to speak to her, for she had the stockings, she then came back, and my mistress taxed her with having taken something, and she denied it; I heard the handkerchiefs drop, and saw them on the floor, I am very sure they dropped at that time; I saw the bundle afterwards, there were linen and cotton handkerchiefs in it.

(The handkerchiefs deposed to by the prosecutrix.)

PRISONER's DEFENCE.

The young woman came after me and told me her mistress wanted me, and I went back, and she said, young woman, you have robbed me, I said, no; as I was speaking, the bundle that stood behind me fell off the counter upon the ground, a gentleman pushed it off; I never saw any bundle of handkerchiefs or any thing of the kind.

Court to Mrs. Salter. At the time you examined her, was she very near the counter?—She was.

Was she so near that a parcel might fall off the counter?——No, Sir.

Could you mistake that?——No, Sir, because she stood with her left side to the counter, and the bundle fell from the right side.

Was there any gentleman in the shop at this time?——Yes, Sir, there was a young man a neighbour, that I called in from over the way, my husband was just gone out.

Was that gentleman in the shop when that bundle dropped?—He came over before the woman came back.

Was there any body near the counter, that could move any thing at this time?—No.

The prisoner called one witness, who gave her a very good character.

GUILTY.

Of stealing to the value of 4s. 10d.

To be privately whipped and imprisoned twelve months in the House of Correction.

Tried by the second Middlesex Jury before Mr. ROSE.

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542. CHARLES SMITH, MICHAEL MANEVIL, and PETER MUMFORD were indicted for feloniously stealing, on the 6th of May, one ticking matrass, value 12d. one wooden chest, value 6s. one pillow, value 1s. a great coat, value 5s. two blankets, value 5s. sixteen linen shirts, value 30s. four pair of silk stockings, value 6s. six pair of thread stockings, value 6s. one pair of worsted, value 1s. two cloth coats, value 4s. two cotton waistcoats, value 3s. two velveret waistcoats, value 3s. three pair of trowsers, value 4s. one pair of drawers, value 6d. three silk handkerchiefs, value 6s. two linen ditto value 6d. one pair of shoes, value 4s. two pair of metal buckles, value 6d. two bibles, value 4s. one clothes brush, value 6d. two half crowns, value 5s. and three shillings in monies numbered, the property of Oswald Ray.

(The witnesses examined apart at the Prisoner's request.)

OSWALD RAY *sworn.*

I wanted to go to sea, and I went to the Royal Exchange to try to get a master, and I met with the prisoners Manevil and Smith, at the Exchange, so we talked a little about going to sea, and they walked with me, and sat down in the Irish walk, and I told Smith my design, then I went with Smith through the Royal Exchange, and

and Smith told me he would look out for ſome Captains that he knew, but he ſaw none, and he told me if I would give a ſhilling to the clerk at Lloyd's Coffee-houſe, he would look one out for me, and we went below where the walks are for the Captains of the ſhips, at the Exchange; and when it came near dinner time, they went to dinner, and when the priſoner Smith and Mumford returned, the priſoner Smith told me they had got a birth for me to go up the Straits, at a guinea per month; that Smith was to be ſecond mate, and I was to be an ordinary ſeaman, this was the firſt day we met, that was on Wedneſday: on the Friday following which was the 6th of May, we met again, and we went to the Victualling office, to conſider how we could bring my cheſt from Wapping; the ſhip lay off Tower-wharf: I aſked if it was poſſible to go on board, and Smith told me yes, and on Friday night about nine, Smith came down to my lodgings at Wapping, with Mumford who appeared like a porter; I had every thing ready, and I put in my cheſt, the various things mentioned in the indictment; Smith and Mumford were to take my cheſt, and I was to carry my bedding and the mattraſs on my ſhoulders, and Smith and Mumford took the cheſt, one had hold of each handle, and we left Manevil and Mumford with my box, whilſt Smith and me went to fetch Smith's box from a houſe near Saint Catharine's ſtairs, Smith went into the houſe, and he came out and ſaid the landlord was away and had the key of the ſtore-houſe with him and he could not get it, and Smith and I ſtood at the door ſome time; then he went in again and did not return: I waited ſome time and went in and enquired for him, and he was not there, and I never ſaw him after; and I went and looked for the cheſt where we had left it at the Victualling Office, but I could not find it there, nor Manevil nor Mumford in whoſe care I left it; I ſearched for the cheſt, but never found it after, nor never heard of it till Mr. Matthews came and told me of it; in conſequence of which I went to the juſtice's with Matthews, and the priſoners were apprehended; I never ſaw the priſoners before this time; I was perfectly a ſtranger here.

JAMES MATTHEWS *ſworn.*

I am one of the beadles of Whitechapel; about half paſt ten on Friday laſt, the 6th of this month, the watchmen brought in Mumford and Manevil into our watch-houſe, with a cheſt and a mattraſs; I aſked them where they got it from, Manevil ſaid it came from on board the Betſey, Captain Williams, and he was ſo lame that he could not proceed on his voyage; I aſked him, if it was his cheſt, and he ſaid yes? I aſked him for the key, he ſaid he had left it on board; I ſaid that was ſurpriſing; I aſked him what it contained, he ſaid it contained a pillow, two Scotch blankets and a bed, and two pair of ſhoes, and ſome things; I detained them, and the next day they were taken before the Magiſtrate, and Smith came to give them a character, and Smith ſwore before the Magiſtrate, that the cheſt and contents were Manevil's, and ſigned his hand to the paper, and directly as Maneval ſaw him ſign the paper, he gave an item, and Smith was ordered out; then Manevil confeſſed how they came by the cheſt; and I went in conſequence to the proſecutor, in Wapping, in Milk-alley, he was in a very deplorable ſituation, having loſt his all; I took him to Mr. Staples's, and the proſecutor deſcribed the property; then the three priſoners were all detained, the cheſt is in court, it has been in my poſſeſſion ever ſince ſealed up.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

ERRATA.—No. V. Part I. *page* 684, *line* 7, *for* John Willes, *read* Edward Willes.—*Page* 690, *laſt line but two*, *for* fourteeen years, *read* ſeven.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of MAY, 1785, and the following Days;

Being the FIFTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Charles Smith, Michael Manevel, and Peter Mumford.

Court. Are there any examinations returned?——Here is a confeſſion of Manevel's.

Mathews. I ſaw Smith ſign a paper to his worſhip, but I believe it was erroneous, I believe it is not here.

Court. If there was any evidence given in writing, I cannot receive your evidence; is there anybody here belonging to Juſtice Staples, that ſaw this ſigned?—No, I did not ſee it.

Court. Then the confeſſion is out of the caſe.

(The things depoſed to.)

The linen marked Oſwald Ray; here are two bibles, my father's name is on them.

JOHN PURDIE *ſworn.*

I ſtopped two of theſe priſoners, Manevel and Mumford, in Ayliffe-ſtreet, Goodman's-fields, with this property; one had the cheſt, and the other the mattraſs; I carried them to the watch-houſe, and aſked them where they brought it from, they ſaid from New Crane; I aſked them from where, they ſaid from on board the Betſy, a ſhip lying at New Crane.

Court. Was you preſent at the examination before the Juſtice?——Yes.

Was what paſſed before the Juſtice taken down in writing?—Yes.

Court. Then I will hear no more about it.

WILLIAM RIPPON *ſworn.*

I am a patrol, the watchman ſtopped theſe men, and he called me to aid and aſſiſt him, they ſaid they brought it from New Crane, from on board a ſhip the Betſy, and we aſked them for the key, they ſaid they had left it on board the ſhip, we took them to the watch-houſe, and they were committed.

PRISONER SMITH's DEFENCE.

I have nothing to ſay, I aſſiſted to carry the cheſt on board the ſhip, to go to ſea; I had no inclination to take it, but I left it in theſe two people's charge.

ELIZABETH EVATT *ſworn.*

I have known Smith ever ſince the 10th of January laſt, he lodged with me, I always found him a good character.

ELE-

ELEANOR EVATT *ſworn.*

I am daughter to the laſt witneſs, I have known Smith above a twelvemonth, his general character was a very honeſt, ſober, young man; I never heard anything to the contrary.

PRISONER MANEVEL's DEFENCE.

On Friday night Mumford and me went to Tower-hill, and he left me to go to fetch his cheſt up, and I was not well able to walk; it was near nine o'clock; and they brought the cheſt, and Smith ſet down the cheſt to go for more things, they ſtaid ſo long, that I was afraid ſome accident would happen to the cheſt, and for fear of that I told Mumford it was beſt to take it to Red Lyon Court, and leave it there till morning, then we would go down and tell them where it was, and in going along the watchman took us up; he aſked us what it was, I did not know what to ſay, I was frightened; I ſaid it was mine, I was afraid of any accident coming to the cheſt.

ELIZABETH EVATT *ſworn.*

I have known this priſoner Manevel three years and an half, he ſailed with my ſon, he is a good ſober honeſt lad, I never found him to the contrary; I truſted him with all I had.

ELEANOR EVATT *ſworn.*

I have known him as long as my mother, I never heard any thing but that he was a very ſober honeſt young man.

PRISONER MUMFORD's DEFENCE.

I have nothing to ſay, only that Smith aſked me to go down and help him down with the cheſt; I have the ſame two witneſſes.

Elizabeth Evatt. The priſoner Mumford is a weaver, he works very hard for his living, he lives in my houſe.

Eleanor Evatt. I know no further of him than living in my mother's houſe; I never heard any harm of him, I know all his friends.

Jury. We wiſh to aſk whether this man was to be paid as a porter for aſſiſting Smith in carrying theſe things away?

Mumford. He told me he would give me two ſhillings.

Ray. Smith told me he would take a porter from the ſtreet, and give him half a crown, which I gave him for that purpoſe.

Jury. Was you fetched as a porter, or did you fall into their company by accident?—I was at work, and they aſked me to go out, they came home to my lodgings.

Priſoner Smith. We all lodge together.

ALL THREE GUILTY.

Each Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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543. ANN DAVIS was indicted for feloniouſly ſtealing, on the 1ſt of May, one ſilver table ſpoon, value 3s. one tea-ſpoon, value 18d. one ſilver crewet top, value 3s. and one ſilk cloak, value 20s. the property of Elizabeth Thornton, ſpinſter.

ELIZABETH THORNTON *ſworn.*

I keep a houſe in the pariſh of Saint George, Hanover-ſquare, I loſt the things mentioned in the indictment, the beginning of May, I loſt them out of my own houſe; I am a millener, I keep ſix young ladies, that are employed in the buſineſs; they were for the uſe of the family; the priſoner came to be hired by me the 26th of April, in the capacity of a cook, I took her, and had a character with her; when I went after her character, I was not ſatisfied with it, but I was without a ſervant; I told her if ſhe behaved well for a few days, I would pay her as a chare-woman; and ſhe was in ſervice as a chare-woman; I loſt the ſpoon the 1ſt of May, it was a Sunday, when I miſſed the things ſhe ſaid do you think I have got them? I ſaid I did not know, I did not think ſhe had; ſhe then ſaid ſhe would go away; I ſaid, why will

will you go? she then set down and gave me some indifferent language, and said she would do nothing more till she had her wages; I paid her her wages, five shillings for three days, and she went away in the afternoon; going out, I missed my cloak; and the young people looked in their boxes, and I looked every where but could not find it; I searched for the cloak; in the evening I got a search warrant, and found out her lodgings in Mary-le-bon-court, with Mr. William New, she was out, but came home soon after, and we searched her and found a tea-spoon in her pocket.

——— NEW *sworn.*

I have the spoon, which she was conveying to another young woman in the public house, and I took it from both their hands.

(The spoon deposed to.)

Here is the fellow to it.

Court. Hand it up, it is pretty difficult to swear to this spoon, there is no mark nor any thing.

Prisoner. That spoon was my own spoon.

ABRAHAM BARRIER *sworn.*

I am the constable that took her with a warrant, she would not be searched, and behaved very rough, and struck me; I took her into a public house where we were waiting for her; as soon as the spoon was found, I thought it better to take her to the office; there I searched her, and found this table spoon, and this top; we were forced to wrench it from her by main force. *(The table spoon deposed to.)* She said that I had them in my pocket, and put them into her's; she threw the duplicate out of the window, and I went to the pawn broker's, and he readily delivered it up.

JOHN CROUCH *sworn.*

I am a pawn-broker in Berwick-street, I never saw the prisoner before she came to me on the Monday morning between ten and eleven, she brought with her a black mode cloak, which she pawned for half-a-guinea; I gave her half-a-guinea upon it, it is my writing, I am sure of the woman.

(The cloak deposed to.)

Prisoner. I have no friends but God Almighty, and the gentlemen of the Jury; I never was tried, I have no witnesses, I have not six-pence to send for a person; as to that lady, I would not put my life in her hands, she is a very bad person.

GUILTY.

To be confined to hard labour twelve months in the House of Correction.

Tried by the second Middlesex Jury before Mr. Justice WILLES.

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544. WORLEY WALMSLAY was indicted for feloniously stealing, on the 25th day of April last, one deal box, value 1s. two shirts, value 5s. two handkerchiefs, value 2s. two linen neck handkerchiefs, value 2s. a pair of worsted stockings, value 1s. one dimity waistcoat, value 2s. one cotton waistcoat, value 2s. the property of Richard Taylor the younger; two half-crowns, value 5s. one shilling, one six-pence, and three copper halfpence, the property of John Brown.

RICHARD TAYLOR *sworn.*

How old are you?——Fourteen, I live with Mr. Mackintosh, No. 285, in Holborn, he is a linen draper, I am not apprentice, I am shop-boy, and sleep there; I keep my clothes in a deal box, I sent down a deal box with my linen to be washed to my father at Hanwell, in Middlesex; there were in this deal box, two linen shirts, two pocket handkerchiefs, and two neck handkerchiefs, and the other things mentioned in the indictment, I sent them down on the Tuesday before the Friday that they were taken, I believe it was the 25th of April, I sent by Thomas Webb, who

who was to take care of them to Hanwell, in a cart, he is a common carrier, my box was tied with a cord, I ſometimes ſent them weekly, and ſometimes every fortnight.

Mr. Keys, Priſoner's Council. What became of the box after it went from you, you do not know?——No.

Nor what was in it when it was taken you do not know?—No.

THOMAS WEBB *ſworn.*

I am a carrier from the Nag's Head, James-ſtreet, Covent Garden, to Colnbrook, I carried the box down to Colnbrook, and brought it back again, the box was corded and directed for Mr. Richard Taylor, at the Nag's Head, Covent Garden; it was taken away in the yard of the Nag's head, I was talking to a man, who is one of the witneſſes, in the ſtreet, and I met the priſoner with the box under his arm, I came in a little after ſix in the evening, and in leſs than a quarter of an hour, I met the priſoner with the box, I ſaid, you have got my box, and he ran away; he ran up Hart-ſtreet with the box in his arm, I ſaid to this man that I was talking with, that man has got my box; then the priſoner dropped the box and I took it up, and the next witneſs took him.

(The things depoſed to.)

Mr. Keys. Whoſe property are theſe things.

Proſecutor. The money that was found in the box was ſent from my aunt, I have a letter.

How do you know theſe things are yours, becauſe there may be other ſhirts of the ſame ſize, as well as the handkerchiefs and ſtockings?——I can ſwear I ſent theſe ſhirts down, one of them if not both are marked.

Court. Do you believe that you ſent down theſe things to be waſhed?—Yes.

Is that the box you ſent them down in?—Yes.

Webb. I carried the box to the Nag's Head.

WILLIAM MATHEWS *ſworn.*

I was converſing with Webb, when the cart ſtood at the door.

Court. Did any thing happen?—Webb met the man with a box, he ſaid, that is the man that has got my box, he was running, I ſaw him drop the box, I found it againſt my legs; I run after the priſoner, in about two minutes I overtook him, he ran I ſuppoſe two hundred yards, he ſaid, he knew nothing of it, he was committed.

PRISONER's DEFENCE.

I was very much in liquor coming down Hart-ſtreet, and this box lay, and I picked it up; and I ſaid, if this is your box take it.

The Priſoner called three witneſſes who all gave him a very good character, and ſaid he had a wife and three children.

GUILTY.

He was humbly recommended to mercy on account of his wife and family.

Burnt in the hand and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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545. ELIZABETH SILBY was indicted for feloniouſly ſtealing, on the 2d of May, eighteen pair of cotton ſtockings, value 30s. the property of Henry Thwaits and James Gibſon.

WILLIAM BRADLEY *ſworn.*

How old are you?——Fourteen, I am apprentice to the proſecutors, they are linen drapers and hoſiers, they are in partnerſhip together, their ſhop is the corner of Lombard-court, Weſt-ſtreet, Seven Dials; I ſaw the priſoner coming down ſtairs, I detected her at the ſtreet door with theſe ſtockings upon her, that was the 2d of May, ſhe had them under her arm, I do not remember having ſeen her in the ſhop, I was ſtanding at the houſe door, and I ſaw

her coming down ſtairs from the parlour, I knew nothing of the priſoner before; the things are the property of the proſecutors, they have the ſhop marks, they have been in my cuſtody ever ſince, they are now in the ſame condition they were; one of the papers is marked B. A. and the other is marked No. 21. B. A. and my maſter's ſhop mark; No. 21, is the mark of the invoice of the perſon of whom he purchaſed them; I ſtopped her and aſked her where ſhe had been, ſhe ſaid, ſhe had been to ſpeak to Mrs. Ellis, I knew there was no ſuch perſon in the houſe, therefore I ſtopped her, and found the ſtockings under her arm; I called for aſſiſtance, and ſhe was taken before the Magiſtrates in Litchfield-ſtreet.

WILLIAM HART *ſworn.*

I was called to the aſſiſtance of the laſt witneſs, I know theſe ſtockings to be the property of the proſecutors, I took them up ſtairs in the morning, and laid them in the cloſet in the dining room, I am ſure and certain ſhe took them.

PRISONER's DEFENCE.

I was very much in liquor, and the conſtable ſaid, you have ſomething under your arm, I ſaid, it is more than I know off; I muſt leave my caſe to the bleſſing of God Almighty, and the Gentlemen of the Court.

Hart. I believe ſhe was in liquor.

Court. Being in liquor is no excuſe, it generally ſhews the intention of the party.

Jury. Was the priſoner on the outſide of the door in the ſtreet, when you took the ſtockings from her?——Yes.

GUILTY.

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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546. MARTIN HARRISON was indicted for feloniouſly ſtealing, on the 21ſt of April laſt, one bolſter, value 4s. one linen bolſter cover, value 12d. two linen ſheets, value 8s. two blankets, value 6s. a looking-glaſs in a mahogany frame, value 2s. a tea kettle, value 18d. a pair of bellows, value 6d. a pair of tongs, value 12d. one copper frying pan, value 6d. the property of John Citizen, being in a certain lodging room let by contract by the ſaid John to the ſaid Martin, and to be uſed with the ſame lodging.

JOHN CITIZEN *ſworn.*

The priſoner lodged in my houſe ten weeks, in a ready furniſhed lodging, I loſt the things mentioned in the indictment, on the 21ſt of April, when I came from reſt in the morning, and the priſoner went out, I went out I found my houſe was robbed and he never returned, and I heard him tell his wife he would be back in one hour, and after that he never came back all the day; his wife was confined in her room, and I thought ſome of my things that were taken away were lodged in it, therefore I wiſhed to ſee the inner part of his room, and my wife went to the door, and deſired his wife to open the door, ſhe ſaid, ſhe could not, for her huſband had they key; when my wife miſſed the things, I got a warrant to act as the law would direct me, the priſoner was taken at nine at night, I was preſent, he was taken in Cherry-tree-alley, Golden-lane; and he run acroſs the ſtreet, to a place called Hartſhorn-court, I never got any of my things again, the ſheets were found at a pawnbroker's, at one Mr. Weſt's.

JOHN MORRETT *ſworn.*

On the 15th of March, the priſoner brought this ſheet to pawn for half a crown; I know him, I know of nothing elſe, he had the blanket in and out every day for ſometime, and other things, I am ſure of the man.

(The ſheet depoſed to.)

Court. What did he ſay for himſelf?—He ſaid before the Juſtice he had pawned them

them through neceſſity, and ſome things at a friend's houſe, and he ſaid, he took them for the relief of his friend.

PRISONER's DEFENCE.

The ſheet the pawnbroker has now, was paid for, it was fetched out to return to Mr. Citizen, and they detained it, I own to the things being pawned through diſtreſs, and hardneſs of the winter, I am an ivory-turner by trade; with reſpect to the robbery, there are them that have been once or twice and more before your Lordſhip; with reſpect to their being robbed it is no wonder, there is a ſtring to pull at the door to let people in any hour of the night; I pawned the things with intent to bring them back.

Proſecutor. I am upon my oath to ſpeak the truth, and I will ſpeak the truth, I ſhould be the ſtupideſt man living, having property, to leave my houſe ſo unſafe, I did not, I have a lock and bolt, the ſtring was through neceſſity in the day time; the houſe was ſecured that night, I can aſſure your honour.

The priſoner called four witneſſes who all gave him a very good character.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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547. MARY MORRIS was indicted for feloniouſly ſtealing, on the 14th of April laſt, two piſtols value 4s. one tea-cheſt, value 1s. one pair of ſtays, value 1s. and one linen ſhift, value 1s. the property of John Davidſon.

JOHN DAVIDSON *ſworn.*

My room was broke open, and I was informed it was the priſoner; I can ſwear to the piſtols, I had not had them above four hours, I had not taken them home from Tower-hill, I keep a ſtall, I had them to clean; the tea-cheſt I can ſafely ſwear to, the ſheet I cannot ſwear to, and I do not know the ſhift; I ſaw ſome picklock keys taken from the priſoner, the things that are found were not in the cloſet.

SARAH KENDALL *ſworn.*

I am thirteen.

Do you know the nature of an oath?—No.

What will become of you if you tell ſtories?—When I die, I ſhall go to hell.

Do you know if you ſwear falſe, that you will go to hell too?——Yes. I live at No. 6, St. Catherine's-lane, three doors from the proſecutor's houſe, the ſame ſide of the way; I was looking over the hatch between two and three, and the priſoner came down the ſteps, and ſhe had a very great bundle in her apron, I am ſure to the woman, her apron was done round the bundle; ſhe had a cloak on, and ſhe was trying to hide it, and ſhe walked away quickly, ſhe went up the lane juſt by St. Catherine ſtairs.

How long might you ſee her altogether? About five minutes.

What did you do when you ſaw this?—I looked over the hatch and juſt after that I heard a woman that lived in the row ſay, that Mr. Davidſon's room was broke open, and about ten minutes or rather better, I ſaw the priſoner, I knew her immediately, and I ſaw her drop a tea-cheſt, and I looked at her very hard, and ſhe aſked me what I wanted, and I ſaid, nothing, and a man in a blue coat picked up the tea-cheſt, and bid her walk along; then ſhe went up ſome turning, and I could not find her, then I came home, when the man picked up the tea-cheſt he gave it her, and ſhe put it in her lap; the tea-cheſt had four braſs corners; after that I went with Mr. Davidſon, and met the woman in Roſemary-lane; and ſhe dropped the ſleeve of a child's ſhift, and another woman that was with her, picked it up; Mr. Davidſon owned them, and then the woman got a little further, and ſhe chucked them all down and run away, I ſaw all the things all together chucked down, and I ſaw the

ſhifts

ſhifts, and a pair of ſtays; the other things were underneath as I could not diſtinguiſh them, I do not know who picked them up.

JOHN CHIVERS *ſworn.*

I am an officer, I was upon duty on Thurſday about five, I was as far from the priſoner as I am now, I was called to take the priſoner into cuſtody, and I ſaw the things upon the ground in Roſemary-lane, there are two piſtols, a tea-cheſt, a pair of ſtays, and a ſhift.

(The things produced and depoſed to.)

PRISONER's DEFENCE.

I was coming up St. Catherines, and I met with a woman I knew very well, ſhe aſked me where I was going, ſhe deſired me to take hold of theſe things, and meet her at the Crooked Billet; I went up there, and the proſecutrix met me, I told her where I got the things, and they would not let me go to the woman.

GUILTY.

To be privately whipped and impriſoned two years in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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549. LUCY BRAND alias WOOD was indicted for feloniouſly ſtealing, on the 9th of May, one piece of ſilver coin, called half a crown, and five ſhillings and ſixpence, the monies of Dennis Minors, privily from his perſon.

DENNIS MINORS *ſworn.*

I was looking for a job of work, coming through a place, the woman at the bar and another woman was with her, this woman was drunk, and the other woman begged me to help her up ſtairs to her own room, it was in Whitechapel, I do not know the name of the ſtreet; I helped her up ſtairs, ſhe then aſked me to give her a drink, I gave her three-pence halfpenny for a pot of beer, and while the beer was gone for, I felt her take out my purſe, and ſhe cut the bottom out of it; ſhe took one end of my purſe out of my pocket, ſhe ſtrove to do it unknown to me; I was going and ſhe came to my ſide, and took the purſe out of my pocket, I followed her into the ſtreet and charged a conſtable with her; I had five and ſixpence in ſilver, and half a crown; ſhe cut the purſe?

Did you find it afterwards?—Yes.

Why did not you hinder her from doing this?——I did not feel her, ſhe run out and I followed her at the ſame time, I am ſure of the woman, I am but a poor labouring man, ſhe did not leave me two pence for my lodging, and I hope the Gentlemen will look upon me.

BENJAMIN NASH *ſworn.*

Laſt Monday at noon time, I was going by George-yard, and I heard a number of people, and I went and found the priſoner in an empty room, I ſays to her knowing her before, Luce, where is the money, you have the money; I could not find any at all but a few halfpence, ſhe was locked up, ſays they, now ſhe has a ſhilling in her hand; I then ſearched her again, and then found a ſhilling and a ſixpence in her hand, and then I found four ſhillings and ſixpence more concealed.

PRISONER's DEFENCE.

I met this man, and he followed me up ſtairs, he was in liquor, and we was all almoſt in liquor, my huſband wanted ſome money to drink, and I concealed it, I put the money in the tail of my ſhift.

GUILTY.

To be privately whipped and impriſoned one year.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

550. GEORGE

549. GEORGE BAPTIST and JAMES SEWELL were indicted for feloniously ſtealing on the 5th of November, 1783, 200lb. weight of lead, value 20s. the property of certain perſons whoſe names are as yet unknown.

The Caſe opened by Mr. Silveſter.

JOHN NORTH *ſworn.*

I keep a clothes ſhop.

Do you deal in lead?—Yes.

Did you buy any lead of Baptiſt and Sewell in November, 1783?——Yes, I think I did; I think I bought as much as came to 20s. of Sewell and Baptiſt, and one Atkins, and Collins, and one or two more; I think it came to 20s. the lead was very old, and much decayed.

Could you form any opinion to what it had been applied?——It had the appearance of old decayed ſheet lead.

THOMAS COLLINS *called.*

Mr. Garrow, Priſoner's Council. By the evidence of this man, I am told he is an accomplice.

Court. Did theſe three men come together?—Yes, I think they did.

Will you ſwear they did?——To the beſt of my knowledge they did; the firſt that came was Sewell, he brought Atkinſon, and another or two; they told me they had a little old lead to diſpoſe of, and if I choſe to buy it, I ſhould have the preference; they ſaid it was perfectly ſafe, they had an order from the gentleman to remove it, and ſell it.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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550. GEORGE BAPTIST and JOHN PAUL were indicted for feloniouſly ſtealing on the 20th of February, 1783, 110lb. weight of lead, value 20s. the property of perſons whoſe names are as yet unknown.

JOHN NORTH *ſworn.*

What paſſed when you bought this parcel of lead, who was preſent?——Collins and Baptiſt, and I think Paul was preſent; I believe Paul brought it, nothing particular paſſed, but weighing the lead, and paying for it, I paid about twelve or fifteen ſhillings.

What weight had you?——I do not recollect, it was all at a penny a pound, it was exceedingly old, and periſhed throughout.

What kind of lead was it?—It had the appearance of old decayed ſheet lead, it was in ſmall pieces, beat up, I ſold it again without rolling it out.

Did you hear from either Baptiſt or Paul or from Collins, in the preſence of either of them, where this lead came from?—No, Sir, that I did not.

Did not you think it very odd where this lead came from?——It was very dirty and very old, it was dry to be ſure.

Court. How can you carry this matter any further.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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551. JAMES FITZPATRICK was indicted for feloniouſly ſtealing on the 27th of April laſt, one waiſtcoat, value 6d. one linen waiſtcoat, value 6d. one linen ſhirt, value 9d. one bedgown, value 1s. two ſtone baſons, value 2d. a candleſtick, value 8d. and one clothes-bruſh, value 6d. the property of Samuel Cliſſon.

SAMUEL CLISSON *ſworn.*

I loſt the things mentioned in the indictment, I was out at the time of the robbery, I returned between three and four in the afternoon, it was on Wedneſdy, I be-

lieve the 27th of April, the prisoner was in my room, with the constable, my wife had got the property from him before I came.

HANNAH CLISSON *sworn.*

On the 27th of April I lost the things mentioned in the indictment; they stood in the room between the wall and the bedside in the same room we live in; I saw the prisoner's head in my room, and took him there; I found the things at the passage door; I saw the things in the room at one o'clock.

(The things deposed to.)

ANN FREEBORN *sworn.*

I go to chair-making, I live at next door, I was coming by, and a little girl was crying at the door, she said the man frightened her; I said, sit down, and if anybody comes call your mammy; I went into my own house, and presently I heard Mrs. Cliffon very loud, saying, you rogue, you villain, what do you come to rob such a poor woman as I; and I went out, and I saw Mrs. Cliffon holding the prisoner, and picking up a bundle in the passage; I am sure of the man.

SUSANNAH AVIS *sworn.*

I am no trade at all, I live next door to Mrs. Cliffon, I came in the mean time, as she was taking the basons out of the man's pocket; I know the prisoner to be the man, there was a candlestick and clothes-brush, and a bundle of clothes laying in the passage where she was.

PRISONER's DEFENCE.

Last Tuesday, three women, and that man, and another man, came down to New Prison to me, as they understood I had a little prize-money due, and told me, if I could advance them a little money, they would not prosecute me; I told them I had no money, I said it was a bad place for you to come into a gaol, and I saw them safe out of the gate.

Court to Prosecutrix. Is this true?—I went to look at the prisoner, but this story is not true; I did not ask him for any money.

Mrs. Cliffon. We went on purpose to learn his right name, and he offered to give me money, and I told him I did not want money, as poor as I was; he offered me 6d. when I took him, and his waistcoat, and I would not have it.

Freeborn. I was with them, there was no money asked; Mrs. Cliffon said she did not want any bribe.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. ROSE.

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552. CHARLES LUNDMAN was indicted for feloniously stealing on the 25th of April last, one silver watch, value 30s. a steel chain, value 6d. a seal set in silver, value 6d. one metal watch-key, value 1d. the property of Erick Bergstrom.

ERICK BERGSTROM *sworn.*

I lost the things mentioned in the indictment; I took in the prisoner out of charity, he lived with me as a servant, he went away one afternoon without asking for wages, or saying any thing, and my wife going up found the drawers open, and the things gone; this was on the Monday, and on the Tuesday the boy was brought back, he was afterwards taken into custody by another witness; when the prisoner was brought home, he said here is the thief, you may do with me what you please; I never threatened nor promised him, he took out the key with his own hand, and produced it to the constable, and the watch in the same way; the constable has had the watch ever since, it is my watch, I have wore it six or seven years myself, I know the watch by the seal, it has a head on one side,

ſide, and a ſteel chain, I have ſeen that watch in the drawer ſeveral times; the watch was produced by the boy.

JOHN BERGSTROM *ſworn.*

I am the proſecutor's ſon, on the 25th of April, between four and five in the afternoon I came home from on board of ſhip, I ſet myſelf down in the bar, and I heard my mother ſtamping on the ſtairs, and ſhe called me, and ſaid ſhe was robbed; I went up along with her, and ſaw her open the drawer, and I looked in and ſaw the watch was gone; I know the watch had been in the drawer a long time, I know it had been kept there, and other watches beſides; I cannot tell when I laſt ſaw it there, I would not on any conſideration ſwear to it: I was preſent when the priſoner was brought in, and the priſoner ſaid, here comes the thief; then the watch was taken out of his pocket by the conſtable; I ſaw the key taken from him, I remember the key very well, and I verily believe it to be the key that opens the drawer up ſtairs.

THOMAS TAYLOR *ſworn.*

I am a conſtable, on the 28th of April laſt, between twelve and one, I charged the priſoner with robbing the proſecutor, he was taken by another young man, and brought in a coach, and I found upon him a watch and key, the watch was delivered to me, nothing was ſaid to him before this, the watch was delivered to me by Mrs. Bergſtrom, he ſaid the watch was their property; I believe the key will open the door.

DANIEL BERGSTROM *ſworn.*

I uſed to wear a watch which was kept in the room where my father and mother lay; I have many a time ſeen it in that drawer, I wore it the Sunday before it was miſſed, my mother gave it me to wear, ſhe ſaid I ſhould have it, I returned it to her at night, and ſhe put it by in the drawer; I ſhould know the watch again among a thouſand.

(Depoſes to the watch.)

I wore it above a twelve month, it has the ſame chain and ſeal, the ſeal is a man's head upon it; I gave that notice to the pawn-broker, when he took it, there is a little bird upon a little branch on the other ſide of the ſeal: when the priſoner firſt came in, ſays I, here is Lundman, aye, ſays he, here is the thief.

PRISONER's DEFENCE.

I have nothing to ſay; I have no witneſſes.

GUILTY.

Recommended to mercy on account of his youth.

Court to Proſecutor. Have you loſt any other property?

Proſecutor. I would wiſh to recommend him to mercy.

While this boy was with you, did you loſe any other property to any other amount?——I did, but have not put it in.

To what amount might you loſe property?——I loſt ſome money, my wife told me of ſeven guineas and a half in gold, and a guinea in ſilver; when I have any money to ſpare I give it my wife, and ſhe puts it in a drawer; but nevertheleſs, my Lord, I wiſh to recommend him to mercy, he has no friends here in this part.

Court. What country is the boy?——A Swede.

Court. Do you underſtand Engliſh, my boy?——Yes.

Has he anybody that would take him to his own country?——I cannot ſay, I will never have him in my houſe any more; there was a captain of a Swediſh ſhip at our houſe the other day, and he ſaid he would take him, he ſaid his name was Andrew Buer.

Court. I will reſpite his judgment at preſent; I dare ſay the Swediſh Ambaſſador will take care he ſhall be ſent to his own country, if that captain will not take him?——His father is a comptroller in the navy at Sweden.

What

What is the number of your houſe?—— No. 33, Wellcloſe-ſquare; the name of the captain is Andrew Buer; the father does not wiſh to have him home again.

Privately whipped and delivered.

N. B. On the application of the conſtable in this laſt trial, who was a houſekeeper in Wellcloſe-ſquare, for his expences, the Court wiſhed it to be generally underſtood that all witneſſes that attend are not neceſſarily to be allowed for their attendance, but only thoſe poor perſons that loſe their time, and daily labour; and that where a great number of witneſſes, and conſtables, for inſtance, were bound over, ſuch would not, in future, be allowed their expences. Mr. Alderman Watſon obſerving, that himſelf, and the Jury, and every man that attended there, on the buſineſs of the ſeſſions, were taken from their employments; but in doing what they could to protect ſociety, their reward was with themſelves.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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552. ELEANOR M'CABE and ANN GEORGE were indicted for feloniouſly aſſaulting John Harris, in the dwelling-houſe of William Calloway, on the 1ſt of May, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will ſix copper half-pence, value 3d. and three ſhillings, in monies numbered, his property.

JOHN HARRIS *ſworn.*

I went to the opening of a new public-houſe, and we ſtaid rather longer there than I uſually do, we ſtaid till a little after two the next morning; we drank a good deal of porter, coming along, this priſoner M'Cabe picked me up, I had no deſign to go along with her, but through her perſuaſions, went home with her; ſhe carried me to a houſe in Croſs-lane, St. Gile's, I found her wanting to pick my pocket, and I was coming away from the place accordingly; ſhe found ſhe could not do it alone, and ſhe directly called two to her aſſiſtance, and ſhe gave me a puſh, and I fell down upon the bed; one of thoſe that came in to her aſſiſtance is the priſoner Ann George.

Can you ſwear that?—I would not wiſh to ſwear that; I cannot ſwear to thoſe two that ſhe called; when they came into the door, ſhe puſhed me down on the bed; I called out directly to the watch; I was in great fear, and ſhe clapped both her hands upon my mouth, I ſtrove to get her hand from my pockets, and the other hand that ſhe had at my mouth, I could not get her hand away, ſhe bit my cheek; one of the others took my money, while M'Cabe held me down; as ſoon as ſhe let go my mouth, I directly cried out watch! murder! accordingly the watchman came, and I gave him charge of the priſoner M'Cabe, and I never left hold of her; my calling watch ſo violently, ſomebody elſe called watch, which I think to be the priſoner George; M'Cabe was taken into cuſtody; I know nothing of my own knowledge againſt Ann George; I was much in liquor, but I loſt three ſhillings and ſome half-pence.

When had you felt in your pocket before?——When I went in with M'Cabe, I put my hand in my pocket, and took my money out, and looked at it, and ſaw three ſhillings and ſome half-pence: ſhe was not ſearched till Monday.

Court. Whoſe houſe was this in?—I do not know indeed.

JOHN DALY *ſworn.*

I am a watchman, I heard the cry of watch.

What houſe was it in;——I cannot tell, I was only ſupernumerary that night, I do not know the owner of the houſe; I found two girls in the room when I went in, and three men; the priſoner M'Cabe was there, and the priſoner Ann George met me juſt at the end of the paſſage, at the foot of the ſtairs, and cried out watch; ſhe ſaid they were

were uſed ill by a man that was in the room, and begged of me to come to their aſſiſtance.

Court. Are you ſure ſhe ſaid ſo?——Yes.

Repeat her words as near as you can?——Watch! watch! ſays ſhe, we are ill uſed by a man in the room, come to our aſſiſtance.

When you came into the room, what did the man charge them with?——He charged them with robbing him, and uſing him in that ſituation that he was in.

What ſituation did you find him in?——He was in a very ſhocking ſituation; he was almoſt torn to pieces, and there was blood all round his lips.

Was there any mark of being bit?——No, there did not appear any ſign of biting, the blood came from round his mouth, whether it came out of his mouth, or whether he was ſcratched in the mouth I cannot ſay; I did not ſee any wound in his face; they ſaid to me that he wanted to uſe them ill, and wanted to have to ſay to them. I took the priſoner to the watch-houſe, the other woman made her eſcape.

Did he tell you what money he had loſt?——Yes, he ſaid it was four ſhillings.

Are you ſure of that?——Yes.

Did he tell you of anything elſe he had loſt?——No.

Do not you know whoſe houſe this was?——No.

Court to Proſecutor. How came you to ſay that night that you had loſt four ſhillings?—— I was not ſenſible of what I had loſt, but I recollected that I had three ſhillings and ſome half-pence, which I could ſwear to; there might be more, by what I had ſpent in the courſe of the evening, I think there muſt be that in my pocket.

Who gave the inſtructions for the indictment?——The witſnes which I have here, going from the place with me, ſaid the priſoners told him whoſe houſe it was, but I did not hear them.

Court to watchman. Did you hear the priſoner ſay whoſe houſe it was?——I did, but I did not take notice; the priſoner told at the Juſtice's whoſe houſe it was.

Is there anybody here that was preſent at thetime?——No.

What Juſtice was it?—Juſtice Walker.

PRISONER M'CABE's DEFENCE.

On Saturday night was a week I was ſtanding at my own door, and this man came up to me, he was very ſolid and ſober, ſeemingly to me, it was about two o'clock, he aſked me to drink, I ſaid I did not want anything to drink; and at the watch-houſe the man ſaid I robbed him of four ſhillings and ſix-pence, on Monday he ſaid I knocked him down upon the bed; this young woman was ſtopped coming to bring me my bed-gown at the watch-houſe.

PRISONER GEORGE'S DEFENCE.

I have nothing to ſay.

Court to watchman. Did you obſerve whether this woman had her clothes torn?——M'Cabe had; I aſked the man how ſhe came to have her clothes torn, and he ſaid it was becauſe ſhe wanted to run away after they had got his money.

Court to Jury. It is perhaps not neceſſary now to ſtate the particular place where the robbery was committed, but wherever the party drawing the indictment, does charge the place, the proof muſt correſpond with it; and here there is no evidence whoſe dwelling-houſe this robbery was committed in.

ELEANOR M'CABE GUILTY *of ſtealing.*
Tranſported to Africa for ſeven years.

ANN GEORGE GUILTY *of ſtealing.*
Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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554. MARY WOOD was indicted for feloniouſly ſtealing, on the 19th of March laſt, one ſilk and cotton ſtriped waiſtcoat with ſilver baſket buttons, value 20s. four linen

linen ſhirts, value 10s. four pair of nankeen breeches, value 20s. a white waiſtcoat, value 5s. two pair of drawers, value 2s. one pair of black ſilk breeches, value 12s. a pair of white cotton ſtockings, value 3s. the property of Charles Price, in his dwelling houſe.

CHARLES PRICE *ſworn.*

I loſt the things at different times out of my chambers in Barnard's Inn, they were left in my cuſtody for my brother, to take care of, the priſoner attended my chambers as laundreſs.

What were the value of the things?—The making alone of the whole of the things coſt twenty-four pounds, they were loſt at different times, from the 1ſt of February to the latter end of March; my brother is an attorney, I am in the law myſelf, clerk to my brother; the firſt thing I found was at Mr. Cottrell's, a Pawnbroker, in Shoe-lane, I have not found anything elſe to produce.

——— BLADON *ſworn.*

I am a journeyman to Mr. Cottrell, a pawnbroker; here is a marcella waiſtcoat, value 6s. a pair of nankeen breeches, and a pair of drawers which I took in of the priſoner; I am ſure of the priſoner, ſhe came in frequently, and uſed to redeem them again.

(The things depoſed to.)

Price. I cannot poſitively ſwear to any of the things.

Court. Then there is an end to the buſineſs.

NOT GUILTY.

Tried by the London Jury before Mr. Baron PERRYN.

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555. NICHOLAS RILEY was indicted for feloniouſly ſtealing, on the 18th of April laſt, one wooden trunk covered with ſkin, the property of Eleanor Blexley, widow.

ELEANOR BLEXLEY *ſworn.*

I live the corner of London-ſtreet, Mark-lane.

On the 18th of April laſt, did you loſe a trunk?——Yes, a wooden trunk covered with ſkin, it was loſt from under a gateway, which belongs to me.

A WITNESS *ſworn.*

I was coming down London-ſtreet, and I ſaw the priſoner with the trunk on his ſhoulders I purſued and took him, and brought him to the ſhop, the boy ſaid, he had loſt a trunk.

MICHAEL WARREN *ſworn.*

I produce the trunk, I had it from Mrs. Blexley in the ſhop, when ſhe charged the priſoner with taking it, it was as near nine as I can recollect, I believe it was Tueſday the 18th of April.

THOMAS PLAYFAIR *ſworn.*

I was at work in the proſecutrix's ſhop, and as I made it myſelf, I am ſure it was the proſecutrix's property.

JOSEPH ——— *ſworn.*

I am a hair dreſſer, I have been backwards and forwards ſeveral times to the proſecutrix's houſe, and ſeeing the priſoner come with a trunk on his head, I had a ſuſpicion he had taken it, and I run down into the gateway to ſee if the trunks were there, and I found one was gone, I hallooed out ſtop thief! and I ſaw that gentleman and another lay hold of him, and bring him back to Mrs. Blexley's houſe; the priſoner had the trunk on his ſhoulders.

Priſoner. It was on my head, Sir.

I aſked him where he was going, he ſaid, to Mincing-lane; I ſaid, you are going the wrong way.

PRISONER's DEFENCE.

I was looking for work, and coming round where this gentlewoman lived, two women with red trunks, they aſked me if I was

I was a porter, I ſaid, I was, and they told me to carry that trunk to Mincing-lane; as I went on I heard them mention ſomething of the Graveſend boat, I thought they were behind me, and they came and took me; I directly told them how I came by it, and the perſon that I received it from was not to be found.

Court. Did he give the ſame account when he was brought back to the ſhop?—Yes, he ſaid, a woman offered him ſixpence to carry it into Mincing-lane; he ſaid, on my calling out ſtop thief! he thought the women were behind him in the room of me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. Baron PERRYN.

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556. SAMUEL CROSS was indicted for feloniouſly ſtealing, on the 6th of May, one iron bar, value 2s. the property of Stephen Roberts, affixed to his dwelling houſe.

A ſecond Count, for ſtealing an iron padlock, value 6d. the property of the ſaid Stephen.

STEPHEN ROBERTS *ſworn.*

I live in Baſing-lane, I loſt an iron bar, weighing 20lb. worth about a penny a pound, it had been on the cellar window all the time, I had had poſſeſſion of the window almoſt a twelvemonth, it was fixed by a ſtaple.

WILLIAM BLACKBURNE *ſworn.*

I am a porter, on the 6th of May, I was taking my rounds between five and ſix in the morning, and ſaw the priſoner in Bow lane, ſtanding cloſe up againſt a door which comes into Baſing lane, and I met the priſoner again a little before ſix with a bar, ſays I, friend where are you going with that bar? ſays he, it is not your bar, what is that to you, no, nor ſays I, I am afraid it is not yours, and I ſtopped him; he threw down the bar and ran forty or fifty yards, and a man met him and took him (*The bar depoſed to.*) I cannot ſwear to the padlock.

PRISONER's DEFENCE.

I bought that a year and half ago, of one Captain Forty, I have no witneſſes.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Juſtice WILLES.

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557. ELEANOR BUTLER was indicted for feloniouſly ſtealing, on the 18th of April laſt, ten ſmall chip boxes containing four ounces in weight of ſalt of lemons, value 4s. two bottles of eſſence of bergamot, value 1s. the property of John Price.

JOHN PRICE *ſworn.*

I am a perfumer, the priſoner was ſervant at my houſe in April laſt, ſhe behaved very well indeed, I loſt ten chip boxes with ſalt of lemons in them, ſhe was a ſervant of all work, it was to take ſtains out of linen.

Did you allow her them to uſe?—No, I loſt ten boxes of it, the value is about four ſhillings, that is the intrinſic value, the boxes were found at an acquaintance of her's who is a ſervant at the George and Vulture; I allowed her to uſe as much as ſhe could in my houſe, I took her to be very honeſt, and I apprehend ſtill, that ſhe did not conſider the conſequence, I look upon it that ſhe meant to give them.

Court. Do you think that ſhe meant to ſteal them?—No, ſhe did not, I hope.

What do you ſay as to the bergamot?—I took her to be an honeſt girl.

Do not you apprehend this to be a miſtake of the poor girl's, did ſhe make any money of this buſineſs?—I believe not.

She

She has been in gaol ever ſince the 18th of April now?—Yes.

And you had a very good opinion of her honeſty?——Yes.

And ſhe behaved very well for nine months?——She did.

You are a very religious honeſt man I apprehend?—I wiſh I was more ſo, I endeavour to be as religious as I can.

NOT GUILTY.

Tried by the London Jury before Mr. Juſtice WILLES.

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558. THOMAS HANCOCK was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Charles Burney, Doctor of Muſic, about the hour of three in the night, on the 13th of March laſt, and burglariouſly ſtealing therein, one ſilk purſe, value 12d. and one hundred guineas, value 105l. his property.

The Caſe opened by Mr. Silveſter.

Dr. CHARLES BURNEY *ſworn.*

I live in St. Martin's-ſtreet, Leiceſter-fields; the priſoner was my livery ſervant, he had lived with me a year and a half, I had diſmiſſed him about five weeks before the robbery was committed, beſides this purſe, there was a good deal of looſe money in the drawer, and money taken out of Mrs. Burney's bureau in the parlour, there was a hundred guineas in one purſe, in my bureau on the ground floor; I heard a noiſe, I did not get up firſt, my ſervant who was in my ſtudy was alarmed by a table being overſet, and I heard the noiſe of a tray falling down, this was between ſix and ſeven.

Mr. Garrow, Priſoner's Counſel. At what time did you hear this noiſe, Sir?——Between ſix and ſeven.

Did you part with the priſoner on any ſuſpicion of his honeſty?—No.

RICHARD ANGLE *ſworn.*

I am ſervant to Dr. Burney, between ſix and ſeven in the morning, I came into my maſter's ſtudy, as I always do in a morning; whilſt I was there opening the ſhutters, I heard a great noiſe, and I went to go down ſtairs, and I ſaw a table that ſtood at the bottom of the ſtairs thrown down, and the great kitchen poker laying along ſide of it, and a ſilver tea-pot and a ſilver ſalt cellar laying down altogether; when I ſaw that I ran up ſtairs directly to call my fellow ſervants, I begged them to come down, I ran down again, I ſaw a candle burning in the back parlour, and a poker jammed into the back parlour door, I ran up again; there is a door that goes out of the parlour into another room, this other room they had been endeavouring to break open, and they had left the poker in the door; then we went into the kitchen and we found the ſaſh window open.

Where did this communicate to?—Into a little area, the bar appeared as if nothing had been done to it; then a gentleman came over, and looking over the rails, ſays he, there is an iron bar ſawn in two, and we found it was ſo, and there were two coat buttons laying in the area, the ſame time the bar was cut in three or four places; it was very eaſy to take that bar up and lay it down the ſame, the buttons were yellow; I had not been in that area the day before, it is not an area we go into frequently; I think I have ſeen thoſe buttons before, upon the coat of a young man that lived there before, that was Thomas Hancock.

Mr. Garrow. So you think you have ſeen theſe buttons before?—Yes.

What ſort of buttons were they?—Yellow.

Are they very much like your's?--No.

Were they plain yellow buttons?—Yes.

Such as every body wears, that wears yellow buttons?——Yes.

So I thought; how did the people get out of the houſe?—At the ſtreet door, Sir, they left it open.

RICHARD

RICHARD BURNEY *ſworn.*

I was alarmed by my father's ſervant, I went down ſtairs directly, and ſaw the table that was at the bottom of the ſtairs, in the paſſage thrown down, with a ſilver tea-pot and ſalt-cellar, and a large kitchen poker, which ſeemed to be juſt thrown down; I ſaw a lighted candle in the back parlour, and in another parlour there was a poker forced into the door; I went into the parlour, and I ſaw about 40l. laying on the table, ſeeming to be divided equally.

The bar communicated with the area, I underſtand? —— Yes, the ſaſh was lifted up.

Mr. Garrow. Do you know, Sir, whether that ſaſh was faſtened over night.

Mr. Silveſter to Angel. Was that ſaſh ſhut down when you went to bed?—Yes, but not faſtened; there are iron bars go acroſs the ſhutters, but there were no faſtenings on one end, the ſhutters were not faſtened only ſhut?

THOMAS SPILLING *ſworn.*

I am a ſmith, I know Dr. Burney's houſe, and know this bar; I was ſent for that morning.

Did you make any obſervations how it was cut?——I obſerved this bar was cut at three or four ſeparate times, and within-ſide to the beſt of my knowledge, becauſe every time it was cut it was ruſty, becauſe the ſnow laid upon the ground; there is a difference between cutting a thing up-handed and down-handed; and when I got it home I examined it, and to the beſt of my knowledge it was cut withinſide.

Mr. Garrow. Are you much employed in cutting bars that are fixed?——Very ſeldom.

One of your reaſons for thinking it was cut withinſide was, that it was cut ſlanting?—Yes.

Do you mean to ſwear that to the beſt of your knowledge, as a man of knowledge and experience, it is impoſſible from the outſide to cut it in that way?——I think it is.

Is not it neceſſary to cut it ſlanting, if it is to be laid on again?—It was cut cloſe to the wall on the right hand.

Did you ever cut through an iron bar with the aſſiſtance of aqua fortis?—No.

Suppoſe a man was to take a ſharp inſtrument to cut iron, and in order to make way, was to put aqua fortis?—— It was cut with a ſaw.

Over-handed or under-handed?—Under-handed.

This is a bar over the area?—Yes.

How wide is the open of the area to the ſtreet?——It may be a yard and quarter or half from the wall to the kirb ſtone of the area.

How many bars are there over that?—— That I never counted, I do not know; they run acroſs the area.

Then what may be the length of the opening?——About three yards long, or may be not ſo much.

What diſtance diſtance may the bars be aſunder?—About four o five inches may be not three, I did not meaſure.

Were there more bars than one cut through?——No, it was cut as nigh as could be to the houſe, within four or five or ſix inches of the wall of the houſe, I think it was ſlanted from the wall, I would not be too poſitive, I did not take much notice.

Which was the freſheſt part, the upper or the under?——The top part; the firſt part was ruſty, the other was leſs ruſty, and the other was quite clear; that appeared to me to have been done that morning.

Could you form any probable gueſs how long before the other might have been done? ——I could not; my judgment is it might be cut the night before, it had not the appearance of being cut ſome weeks longer, but a day or two longer.

JOHN WEATHERMAN *ſworn.*

I live at Haſtings in Suſſex, the priſoner was brought to me 21ſt of March, I believe he came down to Haſtings in the coach on the 20th, and the next day he was apprehended, he was brought to me by two ſoldiers.

Was he examined in your preſence?—— Yes.

What was found upon him?——Two parcels of money; the first was fifteen guineas in a purse, which appeared to me to be the foot of a silk stocking, I searched again, and in a little while after I found twenty-four guineas in another purse, which I should not have seen, but for a boy, who said he had dropped something green in his pocket; I had no conversation with him where he was going.

(The money produced.)

Mr. Garrow. Let it lay on the table, if it is evidence, it lays there.

Doctor Burney. This man had several times asked me for money; he had been in my house but three weeks before he asked for money, he had money several different times during the time he lived with me, and when he quitted my service he had but 43s. to receive.

(The buttons produced.)

These are the buttons, one is broke in the shank; I was present at the prisoner's first examination, nothing particular passed at that time, but the circumstance of the money being found upon him.

Did he give any account how he came by so much money?——He said he had saved it in his different services; he was asked, if he had ever shewn this money, or told anybody he had such a sum of money; he said no.

Did anything else pass?——I do not recollect anything; he said he was going to France, in expectation of getting a place at France, through my son-in-law's interest, but he had no letters of recommendation from me.

Mr. Garrow. You have in fact a son-in-law in France?—Yes.

Court to Jury. Gentlemen, I need not call the prisoner on his defence.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

559. JOHN JENNINGS was indicted for feloniously breaking and entering the dwelling house of John Squires about the hour of four in the afternoon, on the 9th day of May, Rebecca, his wife, and Mary, wife of Michael Gillingham, and Mary Lawrence, spinster, being therein, and feloniously stealing therein nineteen linen shirts, value 15l. five linen shifts, value 15s. nine pair of cotton stockings, value 12s. one pair of silk stockings, value 3s. a corded dimity waistcoat, value 7s. a Marseilles waistcoat, value 2s. seven linen handkerchiefs, value 7s. a callico bedgown value 12d. and a linen stock, value 6d. the property of the said Michael Gillingham.

MARY GILLINGHAM *sworn.*

I lodge at John Squires's in Mary-lebon lane; on Monday afternoon I was down stairs with my landlady Rebecca Squires, and the milk-woman came to the door, I went up stairs to get a pot for some milk, and I met the prisoner upon the second pair of stairs with a basket and my linen in it; I never saw him before; when I went up stairs I found my room door open, which I had locked about three quarters of an hour before; I had the key in my pocket, I went to the window and missed my linen, I saw him go out of the street door with it; and what he did not think proper to take away with him he threw in the middle of the room, I called out stop thief, and he was pursued immediately, and taken in a house just by, I saw him there; the things were mine, they have been in my possession ever since.

Court. The man could get into the door of the house, could not he?—Yes, it is a lodging house, and the door was open.

MARY TURNER *sworn.*

I was sitting upon the stairs a little past four, and the prisoner ran through our passage with a basket under his arm; and he said he wanted to go to our necessary, and having some little pigs in the yard, I thought

thought he was going to put them into his baſket, he dropped the baſket, and jumped upon the pig-ſty, and got over the next neighbour's wall towards the proſecutor's, and I picked up the baſket; the mob came in, and took him away, and then they brought him back again, and ſaid is this the man; he ſaid he was not; I ſaid I can ſwear to you; the people went round after him over our pig-ſty; the things the proſecutor found at my houſe are the ſame things that were dropped by the priſoner.

Priſoner. How came you ſo particularly to recollect the hour?—As near as we could recollect to the time, it might not be to a minute.

WILLIAM WARD *ſworn.*

I was at work in my maſter's yard in Mary-le-bon lane, I heard the cry of ſtop thief, and I ran out of the yard and purſued him directly, I went down and met the priſoner, and he ſaid to me, Peter, that is as much as to ſay, let me go; I took him directly, I found him on the proſecutor's back ſtairs, coming out of the back kitchen.

Priſoner. When this laſt witneſs took me out of the houſe, all the people ſaid I was not the man, and he let me go directly.

He was juſt by the ſhop, and I knew he could not get away, therefore I looſed him.

PRISONER's DEFENCE.

I was informed there was a relation of mine that lived at No. 40, in Mary-le-bon lane, one Black, a ſhoe-maker; I went there, and they ſaid it was No. 42, and I went there, and aſked a perſon, and they ſaid he was in the kitchen, and I went down and there was nobody there; a young man met me, and ſaid are you the man? I ſaid what man; why, ſays he, the thief; come with me; ſo when we came out, the people ſaid that is not the man. I know nothing of the matter, I am very innocent.

Ward. I collared him till we came cloſe to the ſhop door.

Priſoner. I have no friends nearer than Brentford, I lodge there; I am a ſhoe-maker, I have lived there a good while.

Mrs. Gillingham. The lock ſeemed to me to be picked; I am poſitively ſure it was locked, I tried it before I went down ſtairs; which I generally do. The priſoner was ſearched, and nothing found upon him; but about five minutes before he was taken to the Rotation-office, he aſked leave to go backwards, at the watch-houſe, and he went.

Priſoner. Nothing was found about me.

Court. Who do you work with at Brentford?—With my father, who is a houſe-keeper there, he works for the people round about; he keeps no ſhop; he is a ſhoe-maker, he works for ſeveral people at the Princeſs Amelia. I came to London to try to get better work; I went to ſeek for a relation, who I thought would recommend me.

GUILTY

Of ſtealing, but not of breaking and entering.

Whipped, and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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560. JOHN TURNER was indicted for feloniouſly ſtealing, on the 16th of April laſt, one live cock, price 2s. and four live hens, price 8s. the property of Samuel Greenhill.

SAMUEL GREENHILL *ſworn.*

I loſt the fowls from my hen-houſe, mine is a cloſe yard, the entrance to it is through a five bar-gate, on the Tueſday morning following, I went there, but I cannot ſwear poſitively to the time.

GEORGE CLERK *ſworn.*

I know I marked two of theſe hens, which were ſtolen about three weeks or a month

month before they were ſtolen that they might be known again, they were game hens, I marked two ſiſter hens, on the left eye, over the left noſtril, and on the left foot. I cut a piece out the ſame time; I cut the comb and the gills of the cock.

Where were theſe fowls found?——In Edgeware road, there were three live fowls and two dead, they are the ſame that was found upon the priſoner, he was taken the 16th of April.

THOMAS ROBERTS *ſworn.*

I was with the laſt witneſs, the priſoner ſaid firſt of all, he had been to Harrow to fetch them, and ſet out at three o'clock, and he mentioned a name which we had never heard of, then he did not know the name, and at Litchfield-ſtreet he told the gentleman he brought them from Beacon's-field.

PRISONER's DEFENCE.

Between Harrow and London, I overtook a man with two bags upon his ſhoulders, he ſaid, he was going to town, and we would walk together, he ſaid, he had fowls in his bags, I aſked him what he aſked for them, and I gave him fifteen pence for them.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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561. ROBERT IRVIN was indicted for feloniouſly ſtealing, on the 28th of April laſt, one cloth jacket, value 12s. the property of Hannah Edwards, widow, privily in her ſhop.

HANNAH EDWARDS *ſworn.*

I keep a ſlop-ſhop in Wapping, on the 8th of April, the priſoner came to my ſhop about eleven; I was in the room behind the ſhop, I ſaw him go out, he did not come for anything, I ſuſpected him and followed him up the ſtreet a good way, he kept running on and I followed him; when he got three or four hundred yards he looked back, and ſaw me following him, then he took out a jacket, and I ſaw him throw it out, and he run away; I cried ſtop thief! I ſaw him ſtopped, he was never out of my ſight, I have had the jacket ever ſince.

(The jacket produced and depoſed to.)

Priſoner. Was there any other perſon in the ſhop with me?——Nobody elſe.

WILLIAM SELLOR *ſwornn.*

I heard the cry of ſtop thief! I ran out and ſeized the priſoner, I took him becauſe he was the only man that was running, the priſoner took hold of the cart wheels, when I held him by the collar, he begged of me to let him go, I would not, I did not ſee Mrs. Edwards; immediately when I ſtopped the man, he told me the perſon chucked it to him, out of the ſhop, and that he caught it; ſays I, what a lucky chuck it was!

PRISONER's DEFENCE.

I was coming by, and a ſailor was ſtanding at this woman's door, and he cried out to me, did I want a jacket, and he threw it to me, and I took it and run on, and the proſecutrix come after me, and ſaid, I had ſtole a waiſtcoat.

GUILTY.

Of ſtealing to the value of 4s. 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of MAY, 1785, and the following Days;
Being the FIFTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

562. ANN CALLAGHAN was indicted for feloniouſly ſtealing, on the 22d of March laſt, two diamond rings ſet in gold, value 30s. one gold ſleeve button ſet with ſtones, value 18d. two hundred china beads, value 3s. one ſhirt, value 3s. a ſtock, value 6d. two caſe handle knives, value 6d. one fork, value 3d. the property of Moſes Aboah Fonſeca.

MOSES ABOAH FONSECA *ſworn.*

I live in Crutched Friars, in March laſt my wife loſt two diamond rings, and the things mentioned in the indictment; I ſaw the priſoner and the things at the Juſtice's, I knew them immediately, I can ſwear to to them all.

Priſoner. Was not there another ſervant in the houſe beſides me?——Yes, another woman, but ſhe is gone; there were ſome white beads among thoſe things I miſſed, therefore I can ſafely ſwear to them.

RACHAEL FONSECA *ſworn.*

I miſſed the two diamond rings, on Tueſday the 22d of March, out of my drawers in my bed-chamber, I left the priſoner in that room alone to clean it, my drawers were not locked at all; I miſſed the rings on Monday after this Tueſday, which was Eaſter Monday, I aſked the priſoner for them, ſhe ſaid, ſhe knew nothing of them, I miſſed a gold ſleeve button a fortnight after ſhe came into the houſe, after the beads were miſſing and a ſhirt, I ſaw this property at the Juſtice's, I knew the knives and fork becauſe they anſwered to mine, the ſhirt I knew by the mark, and I knew the buttons; I took the priſoner up on ſuſpicion, I had a character with her from one that lived with me eight years, and that had lived next door to her at Green-bank, Wapping, ſhe came to me as a married woman.

Mr. Keys, Priſoner's Council. Who did ſhe ſay was her huſband?——One Callaghan, but I never ſaw him.

How long was ſhe your ſervant?—Between three and four months.

WILLIAM PACKER *ſworn.*

I am headborough of St. John's, Wapping; three weeks to day the proſecutor brought me a ſearch warrant to go to Green-bank, Wapping, to Mrs. Murphy's houſe; I went up one pair of ſtairs, and the firſt thing I ſaw, was a box that was locked, the priſoner was in cuſtody when I went there.

Did you know from the priſoner whether that was her lodging?——Yes, ſhe gave me a direction where ſhe lived, I found all the

the things mentioned in the indictment, and I have had them in my cuſtody ever ſince.

Did the priſoner ſay more than that ſhe lived there?——No, there was no more aſked her, becauſe we wanted the name of the houſe where ſhe lived.

Did ſhe only mention the name of the houſe where ſhe lived?——No.

Did ſhe mention which was her room?——No.

To whom did you apply to get to that room?—To Mrs. Murphy the landlady. ſhe is bound over, but I have been after her theſe two days, but ſhe will not come.

(The rings and other things depoſed to.)

Mr. Keys. You know nothing whoſe lodgings theſe were, only what you heard from Mrs. Murphy?——No.

Was the room door locked or open?—It was open.

Packer. The priſoner directed me to the houſe, and we aſked her who kept the houſe where ſhe lodged on Greenbank, and ſhe directed us to Murphy.

(Catherine Murphy called upon her recognizance and did not appear.)

Jury. What was in the room?—There were very few things, there was a bed without any covering, and only this one box.

JANE GALE *ſworn.*

The priſoner lodged next door to me, before ſhe came to Mrs. Fonſeca, ſhe was a coal-heaver's wife, I recommended her to Mr. Fonſeca.

Do you know in what part of the houſe ſhe lived?——In the one pair of ſtairs.

Had ſhe any other part of the houſe beſides?——No more.

What was her character?——So far as I ſaw, a pretty behaved woman: ſhe was ill uſed by her huſband, and I aſked her if ſhe would go to place, and I believed her to be an honeſt woman.

Did you ever ſee her in her lodging, after ſhe went?——She came down and ſtaid four nights with her huſband, and I perſuaded her to go back to her place again; her miſtreſs gave her leave to ſtay one night, and ſhe ſtaid four; I ſaw her the Sunday before ſhe was taken up for the fact at my houſe, ſhe was in her lodgings, I ſaw her come out, but it is a place I never go in, I only ſaw her come out of the houſe, not out of any particular room.

Priſoner. I could ſpeak in my own defence, if I was where I could get juſtice, but I leave it entirely to the mercy of your Lordſhip; I lived with this gentlewoman as a juſt and honeſt ſervant, I worked hard with her, and two nights before I went to ſervice, I ſlept with this gentlewoman here, it was a houſe of common lodgers, I being a ſtranger knew nothing of it, he aſked me where I lived before I went there, I ſaid, I lodged at Green-bank, Wapping; he had no directions from me to go to ſearch for any goods, I never had a farthing for my wages, I had not a gown till one was lent me to come here before *before your Majeſty.*

GUILTY.

To be privately whipped and impriſoned two years in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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563. JAMES WILLIAMS was indicted for feloniouſly ſtealing, on the 6th of April laſt, one linen ſhirt, value 5s. one linen ſhift, value 2s. a lawn apron, value 5s. three pair of cotton ſtockings, value 3s. one dimity waiſtcoat, value 1s. a pair of ſilk and worſted ſtockings, value 1s. a checque apron, value 1s. a pair of leather ſhoes, value 3s. and a pair of callimanco pumps, value 2s. the property of William Lamborn.

WILLIAM LAMBORN *ſworn.*

I live in the Borough, on the 6th of April, I loſt the things mentioned in the indictment.

JAMES WILTSHIRE *ſworn.*

I am a conſtable, on the 6th of April, I had the priſoner in charge for another offence, and he had theſe things under his arm, I took

I took him in Roſemary-lane, they were the things in the indictment.

(The things depoſed to by Mrs. Lamborn.)

SARAH ARCHER *ſworn.*

There was a robbery committed in this room; the perſon muſt have got in at the window, the window was open, there appeared the foot ſteps of a man, but who took them I do not know.

Priſoner. The captain of a Weſt-India ſhip ſent me on ſhore with ſome letters for ſome paſſengers, I delivered them in the Minories, and as I was returning a Portugueſe man ſtopped me, and put a parcel into my hand, then he took me to the conſtable, and ſaid that I took that parcel from him.

GUILTY.

Tranſported for ſeven years to Africa.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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564. GEORGE MAY was indicted for feloniouſly ſtealing on the 29th day of April laſt, one muſlin gown, value 10s. one cotton gown, value 10s. the property of John Jones; and one cotton gown, value 10s. the property of Eſther Clark.

John Jones depoſed the things were hanging up to dry, and when he returned, he was informed the things were taken.

JOHN SEARS *ſworn.*

I belong to the Governor of Tothil-fields Bridewell; I met the priſoner and two other men that were with him in St. Martin's court; I ſaw a bundle under one of the other men's coats; I turned back the coat of the priſoner, and aſked him what he had in that bundle; he immediately ruſhed out of my hands, and ran about one hundred yards; I ran after him, and caught him, and a man that was with me caught hold of the bundle.

(The things depoſed to.)

WILLIAM PICKERING *ſworn.*

I am conſtable of the pariſh of Saint James's, we were out the 29th of April, it was ſearch night; going through the broad part of St. Martin's court, I was alarmed with the cry of ſtop thief; I immediately made towards that part, and ſaw the priſoner runing very faſt, with a bundle under his arm; I ſeized the bundle, and Sears ſecured the priſoner.

PRISONER's DEFENCE.

Coming along King-ſtreet, Weſtminſter, about ten o'clock, juſt at the bottom of Gardener's lane there was a coach coming by, and the door came open and the bundle rolled out, and I took it up.

GUILTY

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

---

565. JOHN DORRINGTON was indicted for feloniouſly ſtealing on the 9th day of May, one cotton gown, value 10s. one pair of men's velveret breeches, value 5s. the property of George Creſwell.

Mrs. CRESWELL *ſworn.*

My huſband went out about five o'clock in the morning to work, and put the key underneath the door, and the priſoner got the key and opened the door, I was in bed, his back was towards me, but I am poſitive to him, becauſe he was not out of the houſe before he was taken; I ſaw him going out of the room with the breeches and gown; I did not ſee him take the gown, but I ſaw him take the breeches, and he was ſtopped by my landlady on the ſtairs; I cried out ſtop thief as ſoon as he was gone,

it

it was about half an hour paſt eight in the morning.

MARTHA DUWALL *ſworn.*

I am the landlady, my huſband was juſt come home to breakfaſt, and I ran out and met the priſoner upon the lower pair of ſtairs, about three ſteps from the paſſage, he went by me, I laid hold of his arm, as I knew the gown which was under his left arm, and the breeches, and my huſband came to my aſſiſtance, and we took him and another gentleman handed him away to the watch-houſe.

(The gown and breeches depoſed to.)

PRISONER's DEFENCE.

I came from on board a brigg, and I went into this houſe, *and they took me for the ſame perſon*, I never had any thing in my hand.

Proſecutrix. I am ſure that is the man.

Mrs. Duwall. This is the man; I aſked him what was the matter; he ſaid the woman is ſcreaming after her gown, and he ſaid here it is.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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566. PHILLIS MARTIN and CATHERINE CURTIS were indicted for feloniouſly ſtealing, on the 14th day of April laſt, twelve yards of woollen baize, value 10s. the property of David Payton.

DAVID PAYTON *ſworn.*

I am a linen-draper in Oxford-ſtreet, on the 14th of February I loſt the things mentioned in the indictment, they were on the outſide of my ſhop, on the ſhow-board, cloſe to the window, I ſaw it about two hours before.

REBECCA KING *ſworn.*

I live four doors from the proſecutor; I am ſervant to a linen-draper, I ſaw a perſon take from the proſecutor's door a piece of flannel, but whether bought or ſtolen I know not; I cannot ſwear to either of the priſoners.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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567. The ſaid PHILLIS MARTIN and CATHERINE CURTIS were again indicted for feloniouſly ſtealing on the 15th day of April, one piece of linen cloth, containing forty-three yards, value 40s. the property of David Payton.

DAVID PAYTON *ſworn.*

On the 15th of April, between four and five in the in the afternoon, I loſt a piece of linen cloth, about forty-four or forty-five yards, from my ſhow-board, it was worth about 2l. I was in the ſhop at the time; I did not ſee it taken; a man came in, and aſked me if I had not loſt ſuch a piece of linen; I told him I could not ſay, I looked, and found I had loſt ſuch a piece; he told me he had the people in cuſtody, if I would come and aſcertain the piece of cloth, if it was mine he would deliver them up to the Juſtice; he went away, and I was going after him, but before I got there, he and the two women were coming with the piece of linen in their hands.

(Depoſed to.)

The mark is 80 yards, it was made by the people of the Stamp-office; I have cut off ſo much, that reduced it to this quantity; the priſoners are the two women that were brought over.

THOMAS JENKINS *ſworn.*

I am a porter to a coal-merchant in Swallow-ſtreet, I live within a hundred yards of

the proſecutor, I was ſtanding at my maſter's door, and I ſaw the priſoner Martin coming with the cloth under her cloth cloak; the other priſoner was a yard or two before her; it hung down below her cloak, ſo low, I thought they did not come *decently* by it; ſhe dropped the piece down to her foot, and the other priſoner took it up, and threw it into her apron again; they walked about the ſpace of a dozen yards, and I tapped the priſoner Martin on the ſhoulder, and ſaid that does not belong to you; I think ſhe ſaid good man let me go, that is nothing to you; with that I called to my fellow ſervant over againſt me, and ſent him to the proſecutor's, I thought it belonged to him; I ſecured the priſoner Martin, the other did not offer to go away.

Court to Proſecutor. Was this piece rolled up on your ſhow-board?—As much as it appears in Court.

PRISONER MARTIN's DEFENCE.

I was coming home from work, and I met a woman I had not ſeen for a twelvemonth, or better, that I uſed to work for, and ſhe ſaid ſhe had juſt received it from a waggon from Northampton, and ſhe begged me to hold it while ſhe went to the Ship in Swallow-ſtreet, for ſhe had more things there; I was going to carry it down to the Ship, when that good man ſtopped me.

Court to Jenkins. Is this in the road to the Ship?—Yes.

Did ſhe ſay any thing of this when you took her?—No.

Payton. I do not recollect that ſhe ſaid any thing.

PRISONER CURTIS's DEFENCE.

I had been to Mary-le-bon lane after a place, and coming down Swallow-ſtreet, I ſaw the piece delivered to this woman; I never ſaw her before.

The priſoner Curtis called two witneſſes to her character.

The priſoner Martin called one witneſs to her character.

PHILLIS MARTIN GUILTY.

To be impriſoned ſix months in the Houſe of Correction.

CATHERINE CURTIS NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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568. WILLIAM LAWLER was indicted for feloniouſly ſtealing on the 15th of April laſt, one hammer cloth, value 20s. the property of Miſs Mary Ann Chaſe.

JOHN BRENCHLEY *ſworn.*

I am coachman to Miſs Chaſe; the coach ſtood in Nailor's-yard, Silver-ſtreet; my miſtreſs lives at Richmond, but ſhe has a bit of a lodging in town; and when we are in town the coach ſtands there; the hammer-cloth was in the coach-houſe, the coach-houſe was not locked; I miſſed it in the morning as ſoon as I came to the ſtables, this was the third night we had been in town, I drove my miſtreſs to the play that evening.

Mr. Peatt, Priſoner's Council. How do you know this is the property of your miſtreſs?—Here are three letters upon it.

DENNIS HERRING *ſworn.*

I am a watchman in Whitcomb-ſtreet, Leiceſter-fields, on the 15th of April at half an hour after three in the morning, this man, on whom I found the property, came by my box, and I ſtopped him, and he had this bundle, and there were two coach glaſſes wrapped up with it.

(The hammer-cloth depoſed to, marked M. A. C.)

Mr. Peatt. What time did you deſcribe this to have happened before the Magiſtrate?—At half after three.

Are

Are you ſure you ſaid that only, and not any other time?——The ſame words I ſaid before.

Did not you ſay it was five o'clock when you took him into cuſtody?—No.

You are quite clear in that?—Yes.

To coachman. How do you know that hammer-cloth?—By the letters I will ſwear to it.

JAMES COCKLAN *ſworn.*

I am a watchman, I watch with Herring, he was on one ſide of the ſtreet, and I on the other; when the priſoner was ſtopped, I was not very far off; the other witneſs called to me directly; it was half after three, I went with the conſtable of the night to ſeveral ſtable-yards, and to Mr. Hatchet, the coachmaker in Long-Acre, he made the cloth, and ſent for Miſs Chaſe, and ſhe owned the cloth.

Herring. When I laid hold of him firſt I aſked him what he had got? he would not tell me, till I went rather hard on him, then he offered me a guinea to let him go.

Did he ſhew you a guinea?—Yes.

Did he ſay he picked it up then?—No, I directly called for Cocklan.

PRISONER's DEFENCE.

I am a porter, and work at Covent-Garden, I am always obliged to get up at four o'clock; I was going through Leiceſter-fields, I ſaw ſomething at a diſtance on the coach-ſtand, it appeared white, it lay up againſt the rails, it was this cloth and a pair of glaſſes laying wrapped up in it, the glaſſes were againſt the rails, and the cloth rather under it; I took up the bundle and came back to that watchman to give them in charge of him.

Herring. He gave me no charge of them.

Court to Herring. Where was you at the time you ſtopped him?—Coming out of the George yard.

Priſoner. That man has perjured himſelf, and it is a ſin.

The priſoner called one witneſs to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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569. WILLIAM WILMOT was indicted for feloniouſly ſtealing on the 25th day of April laſt, one three pint tin japan mug, value 1s. one pint tin japan teapot, value 6d. one tin japan tea caniſter, value 6d. a flour-box, value 6d. and one japan waiter, value 6d. the property of William Lock.

WILLIAM LOCK *ſworn.*

I am a japanner in Silver-ſtreet, Clerkenwell; the priſoner was my porter four or five years; during the time he lived with me, I miſſed ſeveral articles from my ſhop, many of which I have not found; I miſſed theſe things mentioned in the indictment in the courſe of laſt year.

Mr. Wybourne, Council for the Priſoner. How long did the priſoner live with you?——Between four and five years.

In what capacity?——As a porter.

During that time in courſe he had ſeveral articles of value under his care?—Certainly he had; he uſed to take bills and receipts, he has taken a great deal of money.

Did you diſmiſs him from your ſervice?——I did, before I went into the country.

How long is it ſince you miſſed theſe things?—In the courſe of laſt year, four or five months ago.

Did you ever tax the priſoner with them?——No.

The priſoner has left you five weeks?—Yes, thereabouts.

When was he apprehended?——About three weeks ago.

Court.

Court. Had you intruſted the priſoner to carry theſe things home to the ſeveral perſons to whom they might be ſent to be japanned by you?—I never intruſted him to carry them home, becauſe they were never booked down to anybody, and what went with them I cannot tell.

THOMAS LEE *ſworn.*

I am a headborough, I went to the lodgings of the priſoner on the 25th of April, as near as I can gueſs, with a warrant from Mr. Girdler, in ſearch of the priſoner; I did not at firſt find him at his lodgings; I ſat down with his wife, and had ſome little diſcourſe, while Mr. Lock availed himſelf of the opportunity of looking round the apartment, there I found a tea-pot, a tea-caniſter, a flour-box, and a waiter.

Court. Theſe things were not in the lodging concealed?—No, they were hung up as their own furniture.

(Theſe things depoſed to.)

Proſecutor. The waiter and mug were japanned at my houſe; if I had ſeen the waiter at the Weſt Indies I could have known it; I had given no directions for any other man to carry them out of my ſhop.

Court. Had not you ſold the priſoner that waiter?—No, nor never intruſted him to carry it out.

Mr. Wybourne. Do you recollect ever japanning any article for the priſoner himſelf?—No never, I think not.

What particular mark is there on that waiter?—None, I know it by the work.

You will preſume to ſwear that is the waiter belonging to you?—Yes.

Court. Is there any thing particular in the painting that waiter not to be found in other ſhops?—This is a roſe and a bird, and roſe-buds and ſtrawberries.

Are not theſe the common ornaments on things of that ſort?—They are often done, but we know it by the work.

Does the man that you employ to paint for you paint for any other japanners beſides yourſelf?—Not that I know of, he works for me conſtantly.

WILLIAM TARBUT *ſworn.*

I can only ſpeak to the jug, and that is only belief.

Priſoner. That canniſter and jug I bought of one Mr. Davidſon in the Borough.

WILLIAM DAVIDSON *ſworn.*

I know the priſoner, he is a ſervant of mine till he was taken into cuſtody about theſe things.

Did the priſoner at any time purchaſe any articles of you belonging to your trade?—He bought this tea-pot, and a quarter of a pound caniſter; this is the caniſter, I know nothing of the waiter.

Look at it again, is there any thing uncommon or particular about it in the make or the japanning?—It is what we call an old faſhioned one, that is all that is particular in it, it ſeems as if it had been twice japanned; the priſoner behaved himſelf as an upright man, for anything that I knew or ever heard he was a diligent honeſt man.

Croſs-examined by Mr. James. You being a japanner as well as the priſoner, is it your opinion that a perſon of the trade can ſufficiently judge of articles of this kind to ſpeak to them again?—Not unleſs there is a mark made on them before; I before made a remark on this, not underſtanding the conſequences but by their being in my poſſeſſion, ſo long, I knew the marks on them, this jug I have had in my ſhop a long time, and the handle is not in the right place now.

Now as to the other articles, is there any particular mark upon them?—It is rather uncommon for tea-pots to be made like this; they are all made of common tin; I never had any thing of the kind came under my care finiſhed in this manner.

Court. Is there any letter or mark of the price on the tea-pot?—No, I know it by the workmanſhip, but the jug has a mark of 2s. 9d. put on by myſelf.

Mr.

Mr. James. I will give every thing up except the waiter.

—— SEAGRAVE *ſworn.*

I knew the priſoner ſeveral years, he has an exceeding good character from the people in the trade as far as I know, and I know moſt of them; I ſaw the proſecutor about the latter end of April.

Did the priſoner then live with him?—Not the laſt time I ſaw him, he was then ſervant to Mr. Daviſon.

Relate the converſation that paſſed between the proſecutor and you at that time?—I had been intimate with Mr. Daviſon ſometime, and ſince he has been in the japanning buſineſs, I have employed him; I had employed Mr. Lock for theſe eight years, I now employ Mr. Daviſon being a neighbour, doing the work as well and cheaper, and being ſo handy; Lock came to me and aſked me if he had loſt my favours, I told him I believed he had; ſays he, I find he has got my man Wilmot, I ſaid, yes, he has; ſays he, he is a very bad fellow, he made him out a thief.

Did Mr. Lock appear to you to be in a paſſion when he ſpoke of the priſoner?—Yes, and a great one, and ſaid he would puniſh him to the utmoſt.

Mr. James. Where was this?——He had then ſearched the lodging of the priſoner, it cannot be more than a fortnight ago, it was either the latter end of April, or the beginning of May.

JOHN ROWE *ſworn.*

I know the priſoner very well, ever ſince he was porter to Mr. Lock, he was always a very aſſiduous man in Mr. Lock's ſervice, and always did his buſineſs very well according to what I can judge of him, very induſtrious and careful of the things he took and fetched.

Court. What is your opinion of his honeſty?——I never heard anything againſt him in my life, I looked upon him as an honeſt ſervant.

MARY ATKINS *ſworn.*

I worked for Mr. Lock above a twelvemonth, while the priſoner worked for him; I work now for Mr. Daviſon, I never heard anything bad or diſhoneſt of him.

JOHN LINGBURGE *ſworn.*

I have known the priſoner about two months, I made this teapot for my maſter, Mr. Daviſon, in his ſhop.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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570. ELIZABETH SMITH was indicted for feloniouſly ſtealing, on the 3d of May, one pair of ſilver ſhoe buckles, value 6s. the property of Elizabeth Silk.

ELIZABETH SILK *ſworn.*

The priſoner was my weekly ſervant at two ſhillings and ſixpence per week, my ſilver buckles were in my ſiſter's place, and I loſt them from the cupboard; ſhe was taken up and brought to our houſe, ſhe owned that ſhe took them, and pledged them for ſix ſhillings, I ſaw the things at the Juſtice's, the priſoner was there then, what ſhe ſaid was taken down in writing.

Court. Then I will hear nothing of it unleſs the writing is produced.

JOHN GLEUN *ſworn.*

I am a pawnbroker, in Spital-fields, I received the buckles from a woman that is in Court; I lent her ſix ſhillings upon them, the conſtable came afterwards to my ſhop. (*The buckles depoſed to.*) One of the tongues is broke, and there is a flaw in one of them.

ELIZABELH WILLIAMS *ſworn.*

The priſoner applied to me to go of an errand to pawn a pair of buckles for a young man ſhe lived with, I went and brought her the money, I knew the priſoner

ſoner about two years ago, but I have not ſeen her for upwards of two years.

BENJAMIN NASH *ſworn.*

I apprehended the priſoner, and the proſecutor ſaid, ſhe was the perſon that took the buckles, I then aſked the priſoner what was become of the buckles, ſhe ſaid, that ſhe did not pawn them, but one Williams pawned them, and aſked me to ſee for Williams, I went to the pawnbroker's, and there I found the buckles.

GUILTY.

To be privately whipped and impriſoned ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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571. MARY PIERSON was indicted for feloniouſly ſtealing, on the 7th day of May, one diamond pin, value 20s. the property of Henry James Pye, Eſq.

Mrs. PYE *ſworn.*

This diamond pin is my property, I miſſed it on Saturday morning, I know nothing of the priſoner, the pawnbroker brought it me.

HENRY MARK *ſworn.*

I am a pawnbroker, in Hyde-ſtreet, St. Giles's; this bit of paper contains the addreſs, which the priſoner gave to me, where ſhe lived; ſhe came to my ſhop, and offered a diamond pin for ſale, I was not at home when ſhe came, I came in directly, ſhe was in the ſhop; this was laſt Wedneſday, the addreſs was Mary Jones, ſervant to Mrs. Ring, No. 23, or 25, New Compton-ſtreet; I aſked her whoſe property it was, ſhe ſaid a gentlewoman died and left it her, I aſked her the lady's name that left it her, ſhe told me her name was Mrs. Robſon, of Cockſpur-ſtreet; I told her I would go and enquire, whether it was her property or not according to her addreſs, ſhe ſaid, I might go, for ſhe was going to Paddington, and would call as ſhe came back; I told her it was juſt by, I would go in a minute, ſhe perſiſted very much to get the pin and go, I told her to go and ſit herſelf down in the parlour, till I came back again, I ſhould ſoon be back; ſhe ſtill perſiſted to go, I told her to be quiet or I ſhould get a conſtable and carry her before a Juſtice; then ſhe told me ſhe would tell me the whole truth, that one Mrs. Parry, No. 7, New Palace Yard, gave it her to pawn or ſell, I aſked her how ſhe came to give me firſt one direction and then another, ſhe ſaid, Mrs. Parry told her to ſay ſo; I ſaid, I will go with you to Mrs. Parry, we went there, ſays ſhe, I do not think this is the houſe, ſays I, I think it is very odd you ſhould not know the houſe, ſhe ſaid, ſhe met a woman in Parliament-ſtreet, and ſhe told me ſhe lived here, but it may very likely be Old Palace-yard, I went there with her and there ſhe began to run away, I ran after her, and laid hold of her arm, I took her before a Juſtice, the clerk aſked her name, ſhe ſaid Mary Jones, ſhe acknowledged that ſhe found this pin in Mrs. Pye's houſe, in ſweeping the room.

Was there any thing ſaid to induce her or frighten her at the Juſtice's?——Nothing at all in my hearing, Mr. and Mrs. Pye were ſent for and ſwore to the property; at firſt the priſoner ſaid it is my property, I do not know the value of it, ſhe ſaid, the money was better to her than the pin, ſhe aſked no price at all; it is the cuſtom of our ſhop, firſt to agree for an article in order to get the addreſs to know whether they come honeſtly by them.

(The pin ſhewn to Mrs. Pye and depoſed to.)

Priſoner. I entirely throw myſelf upon the mercy of the Court, I am hardly ſixteen.

EDWARD WEBSTER *ſworn.*

I have known the priſoner from a child, her father and mother, and all her family; and

and it afflicts me to ſee them in the ſituation they are; I believe them to be the honeſteſt and beſt people that can be, and what has induced her to take this ſtep, I cannot ſay: ſhe has been decently and pleaſantly educated.

What has been her general character?—One of the beſt girls till this time.

Mr. Garrow. There are twenty people more that know her character that will ſpeak for her.

GUILTY.

Fined 1s. and diſcharged.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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572. JOHN SHERGOLD and MARY JOHNSON alias SHERGOLD were indicted for feloniouſly ſtealing, on the 31ſt day of March laſt, three linen ſhirts, value 9s. one dimity waiſtcoat, value 1s. the property of David Shey.

DAVID SHEY *ſworn.*

David Shey who is my name ſake, lived at my houſe, he is a ſeaman, and he left ſome cloaths at my houſe; I miſſed three ſhirts and a waiſtcoat out of his cheſt, it was in my chamber, the cheſt was locked, I miſſed them the 3d or 4th of April, I will not ſwear to either, but it was the firſt week of either; when I opened the cheſt, it was locked the ſame as when I left it, he had been gone three months, and I opened it to air the clothes, I knew theſe things were miſſing by the inventory, there were ſeven ſhirts; the priſoners can give you a better account than I can; they came to me as man and wife to lodge, in Leather-lane, on the 14th of March, they lodged in the room where the cheſt was; I ſaw theſe things at the Juſtice's.

WILLIAM GOODMAN *ſworn.*

I live with Mr. Dry, pawnbroker, at Deptford, I had theſe things from one Sarah Burgeſs, who uſed to bring things to our ſhop to pawn for Mrs. Johnſon, I always underſtood her to be Mrs. Johnſon, on the 31ſt of March, ſhe brought theſe things to pawn *(Theſe ſhirts depoſed.)* two marked D. S. and one L. W. which belonged to Lara Wright another ſeaman, the value of the two ſhirts is ſeven-ſhillings.

Shey. When I miſſed them, I had nobody lodged in the houſe, and I wrote to Mr. Shergold, who was gone away, I ſaid, get the ſhirts.

Did not you promiſe them not to proſecute them?—I promiſed till I got ſight of them.

Court to Jury. He got them again by promiſing the man not to hurt him.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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573. WILLIAM DEADROSS was indicted for feloniouſly ſtealing, on the 25th of April laſt, one feather bed, value 3s. and one blanket, value 2s. the property of John Maſon.

(The witneſſes examined apart at the requeſt of the priſoner.)

JOHN MASON *ſworn.*

I live at Camberwell, I loſt the things mentioned in the indictment from Hoxton, in the pariſh of St. Leonard, Shoreditch; I firſt was ſhewn the property by the beadle who is not here, at the Three Jolly Butchers, I cannot ſwear to the bed by any particular mark, it was a ſmall ſtriped bed, I had not ſeen it for ſix or ſeven months.

BENJAMIN HARPUR *ſworn.*

I am a watchman, about two in the morning I was with the patrole, we heard the ſound of a chiſſel and mallet or ſomebody breaking in, we went into the field near Mr. Maſon's houſe, and there I ſaw the

the priſoner coming in the field, and another was with him, the other run off; I took the priſoner down to the watch-houſe, and came and ſearched this field, and there we found a feather bed, bolſter, and blanket, nine pair of boys ſhoes, and one hat, and two handkerchiefs, and an iron crow, and the patrol found one boot, we brought the things away from the field among us; the officer William Hawes has the property.

Did you leave any body to watch the property?——No.

Court. Gentlemen of the Jury, there is no evidence certainly.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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574. The ſaid WILLIAM DEADROSS was again indicted for feloniouſly ſtealing, on the 25th day of April laſt, one man's leather boot, two linen handkerchiefs, and one pair of ſhoes, the property of Bartholomew Roſelotty.

There being no more evidence the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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575. GEORGE HOOKER was indicted for feloniouſly ſtealing, on the 8th day of April laſt, one pair of ſheets, value 10s. the property of Elizabeth Clarke, widow.

And EDWARD WRIGHT was indicted for feloniouſly receiving the ſame knowing them to be ſtolen.

(The witneſſes examined apart at the priſoners requeſt.)

ELIZABETH CLARKE *ſworn.*

I hung a pair of ſheets on a horſe by the fire in a little parlour behind the ſhop, on the 8th of April, about two in the afternoon, and I put them in the ſhop whilſt I dined, horſe and all; Mr. Stapleton came in and told me he ſaw ſomebody go out with them, I went with him to his houſe where the priſoners were, with the ſheets.

JOHN STAPLETON *ſworn.*

On the 8th of April, about three in the afternoon, I had been for a pint of beer, coming home, I ſaw two young men paſs me, which I had a ſuſpicion of; I went after them, and when I came to the bottom of the Court, there was only one, I came up the court again, and I ſaw one of them coming down the court again, I ſaw the priſoner Hooker going into Mrs. Clark's, and bring out the ſheets, I was at a one pair of ſtairs window watching them; I purſued the priſoner and overtook him in Fleet-ſtreet, he had the ſheets, and gave them to the other priſoner Wright who was in Fleet-ſtreet.

Was Wright the ſame perſon you ſaw with him before?—I cannot ſay, when he gave the ſheets to Wright, I was about a yard and half off; the inſtant he gave the ſheets to Wright, I ſeized Wright on the ſhoulder, and he threw the ſheets into my arm, he had not time to do anything with them.

What did Wright ſay?——He ſaid, he picked them up, he knew nothing of the matter, he was quite innocent of it; he ſaid, he did not know the other young man.

Did he throw the ſheets to him, or convey them to him with an intention to conceal them?—I was at his heel at the time he did not conceal them.

Do you know whether Hooker ſaw you before he gave the things to Wright?—— do not think he did, when I ſeized Wright Hooker ſtepped into the middle of the ſtreet

WILLIAM PARKER *ſworn.*

On Friday the 8th of April, one of the priſoners at the bar went through our paſſage, which is the Three Tuns; he ſeemed to have a bundle, Stapleton was after him; I followed him, and I believe Stapleton

pleton called ſtop thief! I ſaw Mr. Stapleton take the bundle from Wright and I purſued Hooker and took him.

Did Stapleton cry ſtop thief! before the bundle was handed to Wright or after?—I think it was before.

(The things produced and depoſed to.)

PRISONER WRIGHT's DEFENCE.

Somebody ſhoved the bundle at me, which knocked me up againſt the wall, there was a bundle, I ſtopped to examine it, and to my ſurpriſe there was a cry of ſtop thief; to prevent trouble I was proceeding on, and two men came and laid hold of me, and I went with them, the priſoner Hooker never ſaw me before; pleaſe to obſerve, my Lord, there is a reward offered in that pariſh of ten pounds.

Court. That is only for ſtreet robbery, and houſe breaking.

Priſoner Hooker. I have nothing to ſay.

The priſoner Hooker called one witneſs to his character.

GEORGE HOOKER, GUILTY.

To be privately whipped and diſcharged.

EDWARD WRIGHT, NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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576. JOHN MOORE, JOHN HAZLE, and JOHN JEFFERIES were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Selwin about the hour of two in the night, on the 5th of May, and burglariouſly ſtealing therein, 30lb. weight of flour, value 3s. 6d. his property.

(The witneſſes examined apart at the requeſt of Mr. Peatt, Priſoner's Council.)

JOHN SELWIN *ſworn.*

I am a baker, I live in Oxford Market, was called up at two o'clock, and was informed a man had ſtole ſome flour, I got up and opened the bake-houſe door, and he told me the men were down ſtairs he believed; I went down ſtairs, and he was in the warehouſe, that was John Jefferies, I aſked him his buſineſs, he ſaid, he had been locked out, and he aſked my man to let him come in, and the other two who were my men, were in the bake-houſe, they lodge in my houſe, one has lived with me a year and three quarters, and the other nine or ten months.

JOHN QUICK *ſworn.*

I am a watchman, on the 5th of this month, as I was crying the hour of two, as I was going to ring Mr. Selwin's bell, which I uſually do to call the men up, I ſaw the priſoner Jefferies with a bag in his right hand, and the door which is a lowiſh door in his left hand; ſeeing them up I did not ring the bell, he pulled the door rather too with his left hand, the other witneſs was a little before me, and I told him I ſaw a man that uſed to go by the nick name of Bricklane Jack; he and the ſerjeant went and looked round the market, and under a baſket in the paſſage in the market, we found this bag of flour, which I believe to be the ſame.

Did you ſee that bag of flour left there by any of the priſoners?——No.

Is it here?——Yes, it has been in my poſſeſſion ever ſince, it is now in the ſame ſtate it was.

Are you ſure it is the ſame bag the priſoner Jefferies had in his hand?——To the beſt of my knowledge, I cannot poſitively ſwear down right that it is.

Court to Proſecutor. Is there any mark on the bag?—No, there is not.

There is no mark on the flour?——No.

Quick. Before the Magiſtrate he ſaid, it was a bag he had made and bought the cloth; after that, he ſaid, he had it made out of a towel or two, and he never had any but once before, and he ſold that to a pyeman for for one ſhilling and ſixpence.

Mr. Peatt to Proſecutor. Do you know

what ſtock of flour you had in the houſe? ——No, it is impoſſible.

NATHANIEL JEWEN *ſworn.*

I am a watchman, on the 4th of May, about ten I came and ſhut up the market-houſe, I came and ſet myſelf cloſe by the the fire about half paſt ten, and I ſaw the priſoner Jefferies ſtanding againſt a table, he aſked me to drink, and I drank with him, and I went and walked round the market; and at eleven he came to me and ſaid, I wiſh you will be ſo kind to let me hide ſome flour in the market under one of the baſkets or boards, and I told this to the ſerjeant of the night.

Court. Gentlemen, there is no ground to put them on their defence.

ALL THREE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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577. THOMAS PHILLIPS was indicted for feloniouſly ſtealing, on the 5th day of May, one iron plough-ſhare, value 5s. one coulter, value 1s. two iron chains, value 2s. one bolt, value 1d. four harrow-lines, value 1d. two plough hammers, value 2d. and one iron cock, value 1d. the property of Thomas Porter.

The priſoner was taken by the watchman, with the things.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice WILLES.

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571. ANN PRICE was indicted for feloniouſly ſtealing, on the 9th day of April laſt, three gowns, value 24s. and ſeven cotton gowns, value 5l. one bed gown, value 2s. a jam, value 3d. a ſkirt, value 3d. the property of John Wright, in his dwelling houſe.

ANN WRIGHT *ſworn.*

On the 9th of April the priſoner lodged in the houſe, and I heard a noiſe in the part where ſhe was, it was about ten at night; I found the priſoner up ſtairs, I called her back, and ſhe would not come back, I ſaw her throw ſomething out of her hand, and put out the candle.

Did you ſee her throw it away before the candle was put out?—Yes, I called out for aſſiſtance and a light, becauſe I had no light with me; a light was brought me by another lodger, ſhe flung away a little jam and ſkirt, this was all that was done this evening, ſhe told me the things that were taken, and gave me ſome duplicates; I took her down ſtairs, ſhe denied it at firſt, and after a while ſhe confeſſed ſhe had taken more things, then ſhe ſaid, if I would not hurt her, I ſhould have half a crown a week, I ſaid, I would not do it; ſhe confeſſed ſeveral articles particularly one, I made her no promiſes.

JOHN MASSETER *ſworn.*

I keep a pawnbroker's ſhop, the corner of Bett's-ſtreet, Ratcliff-highway, I have frequently ſeen the priſoner in my ſhop, this gown was pawned by her, in the name of Ann Davis; I lent her ſix ſhillings upon it, it may be worth twelve.

Are you ſure that was the woman?—Abſtracted from her confeſſion, I would not ſwear it, for we have ſo many of the name of Davis; I have ſeen the priſoner two or three times at my ſhop, but what articles ſhe brought I cannot tell.

(The gown depoſed to.)

Priſoner. I have here a witneſs that my proſecutor told me ſhe would forgive me, I have two fatherleſs children, my huſband is at New York; I never was guilty of any thing before.

ELIZABETH DURANT *ſworn.*

On the 9th of April, I was over the way having a penny worth of beer, on the

9th of April, I laid in the ſame room with the priſoner, I went out and Mrs. Wright had loſt a great deal of property; ſhe deſired me to carry a meſſage to the priſoner, that if ſhe could get her property again, ſhe would not hurt her; the priſoner was up ſtairs waſhing her hands, and aſked me what I would have her do; I told her that as Mrs. Wright had promiſed ſhe would not hurt her, I would adviſe her to give up the property, upon which ſhe gave me up two duplicates, and I carried them to Mrs. Wright.

Court to Mrs. Wright. Did you ſend this woman up with ſuch a meſſage?——No! no! I never ſent her with any ſuch meſſage; I look upon it they were both confederates together; but I have no proof of it.

Priſoner. I aſk no favour, I am very ready to ſubmit.

LUCRETIA PAINTER *ſworn.*

I brought the proſecutrix a bundle, the bundle was picked up when I carried the candle, I went down ſtairs with the woman, I never heard any promiſes made.

Court to Proſecutrix. What is the value of the jam and the ſkirt?——Sixpence.

GUILTY, 6d.

To be privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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579. JOHN ELLIS was indicted for feloniouſly ſtealing, on the 23d of April laſt, one loaf of ſugar, weight twenty pounds, value 10s. the property of James Douglaſs.

MARTHA DOUGLASS *ſworn.*

I keep a chandler's ſhop, I loſt this loaf of ſugar, on the 23d of April, it weighed twenty-two pounds three quarters; I know the priſoner, I ſaw him go out of my ſhop, was in the yard trundling my mop, and I heard the bell ring, I ran into the ſhop and the priſoner was running out, and ſomebody came and brought the priſoner and the loaf of ſugar, I immediately knew it was the man I ſaw go out.

DAVID TODD *ſworn.*

I ſaw this loaf on the 23d of April, it is now in the ſame condition; I was at my houſe a quarter paſt four, I heard a little alarm, and I ſaw the proſecutrix much affected, and I followed the man by the information of a boy, and ſecured him; I ſaid, my friend, you have ſome property that is not your's, no, ſays he, I have a loaf of ſugar to carry to a man on Saffron-hill; the priſoner was walking hard, but not running, I ſaid, you have ſtole it, and then he put down the loaf of ſugar, and ſaid I might have it, and I took him to Mrs. Douglaſs's.

——— SIMPSON *ſworn.*

I joined in purſuit with this man, and came up firſt (*The ſugar depoſed to, marked* No. 24.)

PRISONER's DEFENCE.

A man wanted me to carry it, he gave me ſixpence, he was miſſed directly as they cried out ſtop thief.

Court. Was the man lame or diſabled to carry the ſugar himſelf.

Priſoner. Yes, he was lame of one leg.

Proſecutrix. I had not ſeen the man's face, but I can ſwear to the colour of his coat, and his lank hair.

Priſoner. I have been at ſea, and received one hundred pounds, when I came home; I am an ivory turner, and worked with Mr. Aldufs, in Kingſland-road, ever ſince laſt Whitſuntide, he is lame in bed, he has hurt his leg, and cannot get up.

The priſoner called two witneſſes to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

580. JAMES

580. JAMES THOMAS and JOHN BRADY were indicted for feloniously ſtealing on the 18th of April laſt, two half-peck loaves, value 2s. 4d. the property of Joſeph Atkins.

The proſecutor being a ſervant, and the property not being his, the priſoners were

BOTH ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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581. ROBERT TAPLEY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Joſeph Redhall, about the hour of two in the night, on the 11th of April laſt, and burglariouſly ſtealing therein twenty iron ſtrait nailing tools, value 20s. his property.

JOSEPH REDHALL *ſworn.*

I have a ſhop underneath my dwelling houſe, which was broke open ſome time in night of the 11th of April laſt; I came home about eleven, and ſaw the door was faſtened with a padlock; I aroſe on Tueſday morning at five, I did not ſee the ſhop ſo ſoon as Thornberry.

THOMAS THORNBERRY *ſworn.*

I work in this ſhop, I hire a place and work for myſelf; I went to Redhall for the key of the ſhop this Tueſday morning about five, it was light then, I found the ſtaple torn out of the under hatch of the door, I looked to ſee if any of our anvils were gone, and I obſerved nothing gone till another man obſerved the tools were gone; the proſecutor came into the ſhop about ſeven.

Redhall. I miſſed my tools, twenty or more, I ſaw them at the Juſtice's, I found one of the tools at one William Glover's, an old iron ſhop in Drury-lane.

EDWARD LUCAS *ſworn.*

I am a conſtable, on Saturday the 24th of April ſeveral conſtables had been ſearching about in the pariſh, and as I was coming home along with another officer, at the corner of High Holborn, between one and two in the morning, I ſaw three men ſtanding at the corner of Mr. Mackey's ſhop, a linen-draper; I aſked them what they were doing there, and knowing the priſoner, I caught hold of him, and Taylor who was with me caught hold of the other, the other run away; in ſearching the priſoner, I run my hand down the outſide of his coat, and I ſaid this man has got an iron crow, and in ſearching him, I took this tool out of his left hand coat pocket.

Proſecutor. This is the tool I ſaw at the Juſtice's, and I knew it to be mine; I make them all myſelf, I never put any particular mark to know them by.

What is the value of that?——One ſhilling.

GUILTY 10d.

But not of the burglary.

To be impriſoned twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice WILLES.

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582. WILLIAM HAYWARD was indicted for feloniouſly ſtealing on the 14th day of April laſt, nine pair of worſtead ſtockings, value 16s. and twenty pair of cotton ſtockings, value 30s. the property of William Wilſon.

The proſecutor not appearing the priſoner was

ACQUITTED.

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583. WILLIAM HITLEY was indicted for feloniouſly ſtealing on the 5th

day of May, one ſilk handkerchief, value 1s. the property of William Saville.

The proſecutor not appearing the priſoner was

ACQUITTED.

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584. ROBERT ABERG and JOHN ATKINSON were indicted for feloniouſly ſtealing on the 4th day of May, one iron hold-faſt, value 6d. one iron augur, with a wooden handle, value 6d. the property of Samuel Cowley, and one hammer, value 6d. and two augurs, value 18d. the property of John Lucas.

John and Thomas Davis called but did not appear.

BOTH ACQUITTED.

Theſe three tried by the London Jury before Mr. RECORDER.

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585. AMBROSE WARD was indicted for feloniouſly ſtealing on the 8th day of May, one wooden trunk covered with ſkin, value 3s. and three pair of ſilk ſtockings, value 15s. the property of John Bigg.

JOHN BIGG *ſworn.*

I had my trunk cut from my poſt chaiſe, coming from Kingſton about half paſt eight, in St. Paul's Church-yard; and the priſoner was afterwards brought by another perſon, the trunk was faſtened on with cords, which appeared to have been cut.

WILLIAM BEATHER *ſworn.*

I ſaw the priſoner with a trunk, there was a cry of ſtop thief, and he threw down the trunk.

Mr. Peatt Priſoner's Counſel. Could you diſtinguiſh the priſoner?—Yes, it was not dark, he had a white waiſtcoat, and a brown coat.

Was there another perſon taken up with a white waiſtcoat on?—I do not know, I do not believe there was.

Did the priſoner walk or run?—He walked.

He did not ſeem very much frightened at the outcry?—No.

JOHN CANNADINE *ſworn.*

About twenty minutes before nine, I heard a great ſhouting, and ſaw the priſoner on the ſouth ſide of St. Paul's Church-yard, with a trunk in his hand, and the poſt-boy in poſſeſſion of him.

Mr. Peatt. Was any other perſon taken up on ſuſpicion of being the perſon that took this trunk?—No other.

Are you ſure of that?—As ſure as I am of dying.

Did you ever ſee the priſoner before?—I think I have, I am not poſitive.

PRISONER's DEFENCE.

I never was near the trunk, my witneſſes are gone.

Court to Proſecutor. Was the trunk that was brought back with the priſoner the ſame that was on your chaiſe?—It was.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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586. WILLIAM BURN was indicted for feloniouſly ſtealing on the 28th day of April laſt one ſilk handkerchief, value 3s. the property of James Robinſon.

George Looſmore ſaw the priſoner take the handkerchief out of the proſecutor's pocket.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

587. THOMAS CROFT was indicted for feloniously ſtealing on the 25th of April laſt, one half-crown, value 2s. 6d. fourteen ſhillings, four ſix-pences, and two hundred and fifty-two half-pence, value 10s. 6d. the monies of William Read.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron PERRYN.

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588. WILLIAM MURPHY and WILLIAM PYKE were indicted for feloniouſly ſtealing on the 29th day of April laſt, one pound and one half-pound of American leaf tobacco, value 2s. 9d. the property of Thomas Hunter.

BOTH GUILTY.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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589. JOHN RILEY was indicted for feloniouſly ſtealing on the 9th day of April laſt, two pounds weight of tobacco, value 2s. the property of our Sovereign Lord the King.

A ſecond Count, For ſtealing two pounds weight of Tobacco, the property of a perſon unknown.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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590. SARAH SHEELY was indicted for feloniouſly ſtealing on the 4th day of February, one linen ſheet, value 4s. and one other linen ſheet, value 4s. the property of Thomas Patch.

CHRISTIAN PATCH *ſworn.*

The priſoner was my ſervant, ſhe came the evening before the robbery, and next morning ſhe did the buſineſs of the houſe; ſhe took the keys to make four beds, and took a ſheet off each bed, two of which I found at the pawnbrokers.

William Burkett, the pawn-broker, produced two ſheets which were pawned by the priſoner, and depoſed to by the proſecutor's wife.

Priſoner. I know nothing of them.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron PERRYN.

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591. ELIZABETH FORD was indicted for feloniouſly ſtealing on the 4th of April laſt, twenty-three pounds weight of braſs chain, value 50s. the property of William Wood.

WILLIAM WOOD *ſworn.*

I live in Noble-ſtreet, Foſter-lane; I am a wire-worker; on the 4th of April, about nine at night, I went into my ſhop, and I ſaw my window ſtripped of all the braſs chain I had in the window in my ſhop, there was nobody in the ſhop, I was in the adjoining room where we always ſit; it was braſs chain for ſcale-makers; the next morning I went round to my cuſtomers to give notice, if any came to ſtop it, I heard nothing of it till Friday, I heard it had been at Mr. Goodman's on Snow-hill, and I found it on the Saturday at Mr. Porter's, he aſked me if it was mine, and I ſaid it was; they told me the perſon who brought it was to be there on the Monday; I went, and ſaw the priſoner; ſhe ſaid ſhe had the chain of a young man; the chain is of my manufacturing, by my people, I am quite ſure of it.

THO-

THOMAS EMERY *ſworn.*

I produce the chain.

JOHN PORTER *ſworn.*

On the 9th of April laſt, about ſix in the evening, one Saunders brought this braſs chain to me, and aſked me if I wanted any; I aſked to look at it, I ſent for Mr. Wood, and appointed him to come on the Monday; Saunders came, and the priſoner came with him; ſhe ſaid ſhe had the chain of a young man for debt for rent; I aſked her how long ſhe had had it; ſhe ſaid three weeks; I told her if ſhe could not give a better account of it, I ſhould ſend for a conſtable; ſhe was taken before an Alderman, and committed to priſon.

Mr. Garrow, Priſoner's Council. How long did ſhe lay in cuſtody before ſhe was fully committed?—About a month.

For what was ſhe committed at laſt?—For having that chain in her cuſtody, knowing it to be ſtolen; the reaſon was becauſe ſhe did not bring bail that was approved of.

(The commitment produced.)

Mr. Garrow. Are you a dealer in this article?—Yes.

Is there any thing peculiar in this chain by which it is diſtinguiſhable?——No, I could not ſwear to it, it is not my manufactory, if it was it would be different.

Proſecutor. It is my chain, I know it by the make; it is my work and my young man's; it is in many pieces.

Court. What quantity do you make of this?—To a large amount.

How long has that workman made for you?—Several years.

That which was in your ſhop window, did it differ from any other which he has made?—No; it is not in a ſtate for ſale.

How long will it remain bright after it is made?—Half a year.

If you was to put any other in a damp place, would it not appear as dull as that?—Yes, and a great deal duller.

Mr. Garrow to conſtable. Did the priſoner tell you ſhe could tell you where the man lived that gave it her?—Yes; we went, and ſhe wanted to go with me to a houſe in Golden-lane to enquire for him, and a woman ſaid he was gone from there on the Saturday.

THOMAS SAUNDERS *ſworn.*

The priſoner brought this chain to me, ſhe ſaid ſhe lived in Golden-lane, I told her I would ſhew it to a perſon, ſhe came again, ſhe wanted two ſhillings and two pence a pound for it, I told her it was not honeſtly come by, and ſhe went down with my wife, ſhe made no objection of going, ſhe ſeemed to wonder at it; it ſeems ſuch a perſon as ſhe deſcribed had been there, and had left his apartment. I am in the beam ſcale making way; I cannot ſay I am a judge of ſuch ſort of things.

THOMAS HUGHES *ſworn.*

I know this chain to be Mr. Wood's property, I made the principal part of it, I know the work of it, I have made a great quantity for Mr. Wood, here is ſome that I made a twelve-month ago, when I was apprentice; I can tell that it was in the ſhop at four the evening before, that very ſame; that chain has been in the ſhop above a twelve-month; nobody would buy it, and therefore it was uſeleſs: it is too wide for the ſcale-makers, they always found fault with it; and Mr. Wood and me have often had words about it; I made it in a hurry; I can ſwear to this particular chain, that it was in the ſhop at that time.

PRISONER's DEFENCE.

I am entirely innocent of it.

WILLIAM ASTILL *ſworn.*

I live in Butcher-row, I am ſcale-maker to his Majeſty.

Mr. Garrow. Of courſe, Sir, you know ſomething about chains for ſcales?—Undoubtedly.

Look at that, and ſee whether any perſon can with ſafety venture to ſwear that is his property, or whether any workman can ſwear that is his work?—I employ ſix people

ple at this time, and I cannot see any difference between one person's work and another's, it is quite a common pattern, we put these to counter scales for grocers for large weights; I firmly believe that no man can safely swear to the making of this chain; I have cut up a great many thousand yards.

If it was badly made you would find fault with it?—Yes, we always look at it to see if it is well made.

Jury. Have you chain-makers in your own house, or do you buy of six different people?—We employ them out of doors, they are called garret-masters, they are not made in our house; there is nothing made in any scale-makers in London.

But you are not a chain maker yourself?—No, I am a scale maker, not a chain maker; this is a chain often used to scales, I believe.

You formerly dealt with Mr. Wood?—I have several times, and do now.

Wood. You have not had anything of me these two years?

Astill. Yes, I have.

Wood. Not to my knowledge.

The prisoner called one witness to her character.

Mr. Garrow. My Lord, I shall not call any more witnesses.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

592. JOSEPH FENNEL was indicted for feloniously stealing on the 18th of April last, one linen handkerchief, value 10d. the property of Robert Morris, Esq.

ROBERT MORRIS *sworn.*

I am a barrister, walking through Fleet-street, on Monday the 18th of April last, I felt somebody touch my coat pocket, on the left side, I put my hand upon it, and found my handkerchief was gone, at the same time I saw the prisoner about three yards from me running away, I ran after him, and he seeing that, put his hand under his coat, and threw from him a handkerchief, which I picked up immediately, and continued to run after him; the prisoner turned down Water-lane, and went to stand up against the side of a house, when I took him into custody, he said he was coming up Water-lane, and not going down it; I am quite certain of his person, for I never lost sight of him; the handkerchief he threw down, and which I picked up, was mine; it was marked with the two first letters of my name; I am pretty sure I had my handkerchief a very little before in my pocket.

PRISONER's DEFENCE.

I was coming up Water-lane, on an errand from my aunt, I stopped to make water, and this gentleman seized hold of me, saying I had picked his pocket.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. ROSE.

The next Part will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 11th of MAY, 1785, and the following Days;

Being the FIFTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE NINE-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

593. WILLIAM DAWSON was indicted for feloniouſly ſtealing eight ounces of hyſon tea, the property of the Eaſt-India Company.

John Affleck, a labourer in the Eaſt-India warehouſe, ſaw the priſoner take the tea out of the cheſt, and put it in a bag, and put it into his waiſtcoat pocket.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

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594. ELIZABETH NORTHAM was indicted for feloniouſly ſtealing on the 9th of May, one piece of plain muſlin, value 3l. one piece of worked muſlin, value 3l. a flowered muſlin apron, value 5s. the property of John Leake.

JOHN LEAKE *ſworn.*

On Monday laſt I loſt all the property mentioned in the indictment, about two in the day, the priſoner was brought into my back ſhop for me to ſearch her; I drew her cloak on one ſide and ſhe had a piece of muſlin under her arm, it was plain muſlin, I imagine there was about five or ſix yards; it was a remarkable wide muſlin; it was my property, I know it by the ſhop mark at the end of it, D. A. it is my writing.

Court. When you ſend goods out of your ſhop do you ever ſend them with the marks on them?—Yes, if we ſend the ends on; I never had but two pieces of ſuch muſlin in my life, it is a very uncommon muſlin, I had them about three weeks or a month: I aſked her if ſhe had any thing more about her, ſhe declared ſhe had not; I put my hand on her pocket on the other ſide of her petticoat, and felt ſomething rather bulky, and I deſired ſhe would take every thing out of her pocket; ſhe did ſo, and pulled out an apron belonging to me, it was a flowered muſlin apron.

Court. What did the piece of plain muſlin coſt you?—I have under valued it, it coſt me fifteen ſhillings a yard; the apron is worth ſix or ſeven ſhillings; there was no mark upon it, we have been ſo much engaged lately we have not had time to mark our goods: I did not miſs it till it was taken out of the priſoner's pocket; in conſequence of that I ſent for a conſtable, and he ſecured her; ſhe declared ſhe had nothing more about her, but he found a piece of tambour muſlin upon her, which I knew

I knew by the marks: I ſaw the things within forty-eight hours before.

KNIGHT BOWMAN *ſworn.*

I am a journeyman to Mr. Leake; this woman came into my maſter's ſhop on Monday laſt, and aſked to look at ſome printed cottons; it was about two o'clock; ſhe ſaid it was for a bed-gown; ſhe then went up to the counter, and laid her cloak over ſeveral of the things that were on the counter, I ſaw her do that.

In what manner?—She ſpread it a little over the things with her hands under it; I then ſhewed her ſeveral printed cottons, I ſuſpected the woman as ſoon as ſhe came into the ſhop; I believe ſhe had one hand on the counter, I did not ſee how the other hand was employed, but her cloak was covered over it; I then ſhewed her ſeveral cottons, which rather hid her ſtill more.

Did not ſhe move her cloak before you ſerved her?—Very little; I ſerved her, ſhe appeared to be very difficult, and upon turning my head ſeveral times, I once thought I ſaw her pick ſomething from the ground, not for a certainty, but it appeared ſo to me, I ſaw her near the ground, putting ſomething in her pocket, but I was not certain whether ſhe took it from the ground or not; I then obſerved a finer piece of muſlin lay by the ſide of her.

Was that the muſlin that was miſſing afterwards?—Yes, that was the plain muſlin; on turning my head to look for ſome more printed cottons, I ſoon miſſed this piece of muſlin, and ſoon after that ſhe bought one yard of the printed cottons; ſhe appeared to ſtoop before I miſſed the muſlin.

Might ſhe have taken the muſlin at that time?—She might, I miſſed it juſt after; ſhe bought one yard, I obſerved to her it was not a ſufficient quantity for a bed-gown; ſhe then ſaid, that was quite a ſufficient quantity for her purpoſe; ſhe would buy it for a frock, and if I would give her a pattern of one that was on the counter, ſhe would ſhew it to a perſon; I accordingly gave her a pattern; ſhe paid for the cotton, and went out of the ſhop; I immediately got over the counter and followed her, as ſoon as ſhe had got ſeven or eight yards, and brought her back to my maſter, and informed him, then the conſtable was ſent for; but before that my maſter began to examine her in my preſence, and he threw open her cloak, and found the muſlin under her arm, and all paſſed as he has deſcribed.

Were theſe things on the counter too?—I cannot anſwer only for the plain muſlin.

Did the plain muſlin and the fine muſlin lay together in the ſhop?—I am ſure they did not, I ſaw the plain muſlin before me; it was covered a little with her apron; I ſtood ſhewing her more cottons, but ſhe covered ſeveral worked muſlin with the cottons, but the plain muſlin lay alone, I ſuppoſe it might be a yard from it.

Can you ſwear with certainty that the piece of worked muſlin and the plain muſlin were in the ſhop?—I can ſwear that the plain muſlin was in the ſhop.

Priſoner. I leave myſelf to the mercy of the Court.

JOHN STAPLETON *ſworn.*

I am the conſtable, I took this piece of worked muſlin from the priſoner, the plain muſlin was taken before I came; I took nothing elſe, I ſaw nothing elſe taken from her; I have had the cuſtody of theſe things, they were given to me in the back ſhop.

The priſoner called one witneſs, who gave her a good character.

GUILTY

Of ſtealing, but not privately.

To be confined ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. ROSE.

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595. JOHN RAMSHAW was indicted for feloniouſly ſtealing, on the 9th of April laſt, one piece of callico containing twenty

twenty one yards, value 2l. 2s. the property of Samuel Swann, and William Oddy.

SAMUEL SWANN *ſworn.*

I live in Friday-ſtreet, on the 9th of April near eight o'clock, there was a pack laying in the ſtreet at the door, and ſoon after, I ſaw my porter running after a man, that man had nothing that I ſaw, he was taken in about five minutes and brought back; we immediately opened the pack and miſſed one piece, I have not the invoice with me; the ſheeting was cut.

Mr. Knowles, Priſoner's Counſel. You have not the invoice here?——No.

Where is your houſe ſituate?——The corner of Friday-ſtreet, fronting into Watling-ſtreet, there are two doors.

What time was this?—It was between ſeven and eight.

I imagine from the knowledge I have of the ſtate of the atmoſphere at that time, that it muſt be then pretty dark?—It was not dark.

This perſon was forty yards from you?——About forty.

Do you mean to ſwear that it was not duſk?——Yes.

JOHN BOOTH *ſworn.*

I am porter to Meſſrs. Swann and Oddy, the piece was ſtolen out from ſome goods of my maſter's, when I returned back, the priſoner and another man were pulling the piece out of the pack.

Can you ſwear he took any of them out?—No, I cannot, I was coming home, they ſaw me and they ſet out, I ſet out after them, and called out ſtop thief! a man took the priſoner till I came up and brought him back.

Did you ſee anything in either of their hands or poſſeſſion?——No, only pulling out of the wrapper.

Did you ſee anything dropped in the ſtreet?——No, the priſoner ſaid, there was a fire, and he was going to look at it.

NATHANIEL ALEXANDER *ſworn.*

I took the priſoner into cuſtody, I know nothing of the fact, I found nothing upon him, he made no confeſſion in my hearing.

Court to Proſecutor. You know only from the invoice what number of pieces this pack contained?——No.

You have not the witneſs here who packed it?——No.

Court to Jury. Gentlemen, there is no evidence to put the priſoner on his defence, here is no legal evidence in this caſe, that anything has been ſtolen at all.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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596. MATHEW DALEY was indicted for feloniouſly ſtealing, on the 23d of April laſt, one man's drab coloured cloth coat, value 18d. the property of Joſeph Faſſinage.

MARY JONES *ſworn.*

I ſaw the priſoner take the coat from my maſter's door, this day three weeks, between three and four in the afternoon; I took the coat from the priſoner immediately, he laid hold of the coat, I ſtruggled with him to get the coat from him; the priſoner was ſtanding ſtill, I laid hold of him, and found my maſter's property upon him, I ſtruggled with him, becauſe I had a ſuſpicion he had got the coat; another man come to my aſſiſtance.

SAMUEL SINGLETON *ſworn.*

I ſaw the ſtruggle between the witneſs and the priſoner, ſhe was pulling at the coat.

Court to Mrs. Jones. You ſwear that you never ſaw the coat in his poſſeſſion?—I did not ſee him take it or drop it, but I took him on ſuſpicion becauſe the property was dropt at his feet; when I took up the coat, he immediately pulled at the coat again, he wanted to get away from me.

Then how came you to ſay, that he laid hold of the coat?——No.

Then

Then he never had hold of the coat at all?—I never ſaw him have hold of the coat.

Singleton. I was about twenty yards off, and I ſaw the man and the woman pulling againſt one another with the coat, ſhe was pulling it away from him.

Do you mean to ſay that he ever had a hand upon the coat?——Certainly he had, I ſaw his hand upon it, I took charge of the priſoner, this is the ſame coat.

(The coat depoſed to by the proſecutor.)

PRISONER's DEFENCE.

I came in and ſtopped at a yard near this houſe, and ſtanding at the corner a man ruſhed by me, and turned me quite round, and he threw ſomething in at the door, and he cut me over my head.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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597. THOMAS FIELD was indicted for that he, on the 28th day of March laſt, had in his cuſtody, a certain piece of parchment, called a bill of Middleſex, and on which ſaid piece of parchment, in purſuance of the ſtatute, there had been made a certain ſtamp fixed to the ſaid piece of parchment, whereby certain duties of ſixpence, ſixpence, ſixpence and ſixpence were denoted to have been duly paid to our Lord the King, and that he the ſaid Thomas on the ſaid 28th day of March, unlawfully, fraudulently, and felonioufly, did get off the ſaid ſtamp, with intent to uſe the ſame for another bill of Middleſex, the ſaid duties being then due to our Lord the King, with intent to defraud our ſaid Lord the King.

A ſecond count, For taking off the ſtamps from a certain writ called a latitat with the like intention.

GEORGE FRYER *ſworn.*

I am a ſtationer, in Chancery-lane, I know the priſoner; on Eaſter Monday or Tueſday laſt, the priſoner came to me with two bills of Middleſex, and one latitat; I ſuſpected him from his coming before, but having none of thoſe ſtamps in the houſe, and the Stamp-office being ſhut up, I bought them of him: theſe are the three writs, about a week after he came again, on a Saturday night with a treble ſixpence, that was a real ſtamp, I was very buſy, then I told him to come on the Monday morning, and I then aſked him how he came by thoſe that he had before, he ſaid, he had them from the Stamp-office, I told him he muſt go with me to the office, he ſeemed to be very ready to go, but whilſt I went to get my hat, he ſet off down Cary-ſtreet, I called ſtop him, and I took him before the commiſſioners.

Mr. Garrow, Priſoner's Council. You have produced theſe three pieces of parchment as the writs you purchaſed of the priſoner?——Yes.

On what day did you purchaſe them?—On the Eaſter Monday or Tueſday, he came again on the Saturday week after that.

Where did you put them?—I put them in ſeparate places, that we have for different kinds of writs.

In an open drawer?—Yes.

How many people are employed in your ſhop?—Two or three.

Are you a writing ſtationer?——Yes.

Then occaſionally you have a great reſort to your ſhop, for the purpoſe of buying writs, bringing writing to be copied, and perſons bringing it home when it is done? Yes, but this was holiday time, and we had very little buſineſs to do.

Theſe things were put in the open drawer?——Yes.

To which all the perſons in your ſhop have acceſs?—Yes.

THOMAS SEABROOK *ſworn.*

I am meſſenger to the Stamp-office, Mr. Fryer brought the priſoner to the office, on the 1ſt of April, I took him to Bow-ſtreet, and the Juſtice deſired one of the conſtables to go with me to the priſoner's lodgings, and in ſearching his lodgings we found theſe writs.

Are there any ſtamps on them?——Only one, they are in the ſame ſituation as I found them in.

Court. What ſtamps do you ſay have been taken off that writ?——Two of half a crown value.

Mr. Garrow. My Lord, I ſubmit that is not the charge in the indictment.

Mr. Silveſter. The charge in the indictment is, that this man has taken off a ſtamp, which bore the impreſſion of four ſixpences, having been paid to Government; I produce a writ in which it appears, that not only theſe four have been taken off, but likewiſe a fifth ſtamp, I do not charge him with the laſt.

Mr. Garrow. My learned friend has ſtated half the charge, and ſuppreſſed the other half, and it is this, that this man having in his poſſeſſion a certain proceſs which had iſſued out out of the King's Court, and on which four ſixpenny ſtamps were paid, and denoted to be paid; he unlawfully got off the ſaid ſtamp from the ſaid proceſs, with intent to uſe the ſaid ſtamp upon a certain other proceſs: is that the caſe here? this witneſs tells your Lordſhip, that there is now due and payable five and not four ſixpenny duties on this, and that upon this, which the witneſs has ſaid to be duly executed, there were originally five, and that *thoſe five* were taken off; ſurely this is not the offence ſtated in the indictment.

Court. I think this objection is taken up a little haſtily, without conſidering fully either the act of parliament or the evidence. What is the evidence? the charge is, that he took off a ſtamp denoting four ſixpenny duties from a certain writ, with intent to place the ſaid ſtamp on another writ: the evidence is, that there appeared to be taken off from a writ, a ſtamp denoting that four ſixpenny duties had been paid, and alſo another ſtamp denoting that another ſixpenny duty had been paid; there is produced a writ on which there is a ſtamp denoting that four ſixpenny duties have been paid, and another ſtamp denoting that one ſixpenny duty had been paid, they may prove that he took off four; there are two ſtamps diſtinct and ſeparate, why may they not prove that he took off one, without taking off the other; to this I agree, that under this indictment which ſtates that he took off four ſixpences, they could not prove five ſixpences, but they have proved a ſtamp, denoting five ſixpences had been made and taken off.

Mr. Garrow. My Lord, my objection is this, that the charge in the indictment is not only the getting off the ſtamps, but there is an intent which the act of parliament makes the capital part of the charge, that is the intent to put it on to another proceſs.

Court. At preſent there is no variance between the evidence and the indictment.

Mr. Silveſter to Mr. Seabrook. Does that appear to have been uſed?

Mr. Garrow. I object to that queſtion.

(The writ read.)

SAMUEL HIGGINS *ſworn.*

I live in Newport-Market, I know the priſoner, I was ſerved with a copy of a writ by the priſoner. *(The copy read, indorſed* R. Morgan.)

——— MAJOR, *ſworn.*

I am his Majeſty's engraver, and chief engraver to the Stamp-Office; theſe ſtamps have been taken from other parchments and put on theſe: in the proceſs of ſtamping theſe, the parchment has a hole cut thro' it, and they put this red on the parchment, with a particular paſte that is made on purpoſe for the office, and there is a particular foil put through, and then it is ſtamped ſo that the lead takes the part of the impreſſion; after that it is impoſſible to take that off, and put it on ſo ſtrong again.

Does the mark of the lead correſpond with the reſt?—No, it does not; this writ was ſtamped at the office.

GEORGE HARRIS *ſworn.*

What are the ſtamps uſed on the bills of Middleſex?—We have two dies, one with

four six-pences, and the other with one six-pence, which was laid on in 1783; we stamp none under five now, and that is done by two separate stamps, the four six-pences is in one, and the other has one six-pence; if the impreſſion is made upon the writ it will appear on the parchment.

Look at that writ and copy?—We make a hole, then we put on the ſcutcheon, then it is punched, then leaded, then ſtamped, and then cyphered on the other ſide.

Mr. Garrow to Mr. Harris. Have you looked at that parchment which is ſaid to be a bill of Middleſex, iſſued againſt Higgins?—I did.

Are you able to ſwear that that piece of parchment has been legally and properly ſtamped at his Majeſty's ſtamp-office?—No, I cannot ſwear that.

How many years have you been in the Stamp-office?—Pretty near forty; I am ſupervisor, I ſuperintend everything of that ſort; I am converſant with the buſineſs, I have gone through all the duties.

Mr. Major. It may have been legally ſtamped, and I rather think it has, but it is ſo tumbled and creaſed.

Mr. Seabrook. It was very plain when I firſt took it before the Juſtice.

Mr. Silveſter. Theſe three writs were ſold by the priſoner to Mr. Fryer, now it is proved theſe were taken off ſome writs, but he had in his cuſtody a writ, a copy of which he ſerved on a defendant, and there is found in his cuſtody three writs, with ſtamps appearing to be taken off from other writs.

Mr. Garrow. Before the priſoner is called upon for his defence, I take the liberty of ſubmitting to the Court ſeveral objections which occur to my mind, to ſhew that the priſoner cannot poſſibly be convicted; firſt it is ſtated that the priſoner had in his poſſeſſion a proceſs of our Lord the King, &c. which appeared to have been before then duly iſſued againſt ——— Higgins and Richard Roe; I ſubmit there is no evidence to call on the priſoner for his defence, to ſhew that he had in his poſſeſſion ſuch a writ; ſuch a writ is indeed produced to the Jury, but in a ſtate in which it is impoſſible it could have iſſued out of the court of our Lord the King, it is not proved to be duly ſtamped, ſo as to be ſigned; another objection is this, that it is ſtated to be a thing not deſcribed in the act of parliament.

Court to Mr. Silveſter. There is no averment in the indictment, that ſuch a writ had been duly iſſued, but that he had in his cuſtody a certain piece of parchment which purported to have then been duly iſſued againſt them; it is not averred that it did duly iſſue.

Mr. Garrow. It is proved that a piece of parchment was in his cuſtody, on which was written that, which if it had been duly iſſued, would have been a bill of Middleſex; it is averred, that it did duly iſſue; my objection is that it does not purport ſo to have iſſued; my learned friend attempted to call a witneſs to prove that it had duly iſſued, but it muſt have been duly ſigned, it is proved by thoſe who have been forty years in the buſineſs, that this never had been legally ſtamped, conſequently it never had been legally iſſued; I ſay, this thing, as deſcribed by the indictment, has a deſcription not named in the act of parliament, for it is called a proceſs; I am aware there is a ſweeping clauſe, "all other proceſſes iſſuing out of the court of our Lord the King." I have another objection which I think will be perfectly ſufficient for this purpoſe.

Court. There is no ſuch word as proceſs in the act of parliament.

Mr. Garrow. I have another objection: by this act of parliament there are two or three offences created, and the offence in this indictment is not one of them; it ſays firſt, if any perſon ſhall write or ingroſs, &c. upon any thing which has already been uſed, it is not that; or ſhall fraudulently eraſe or ſcrape out any name or names of any perſon or perſons, or any ſum, date, or other thing written in ſuch writ, &c. it is not that; or if any perſon ſhall fraudulently cut, tear, or get off, any mark or ſtamp from

from any piece of vellum or parchment, paper, playing cards, &c. with intent to uſe ſuch ſtamp or mark, in reſpect of which any ſuch duty is payable; (which is, they ſay, the duty laſt enumerated) now the Court will look to the ſeveral things that the legiſlature meant to provide for; the Court will not take any collateral part of the act of parliament, and apply it to a new caſe, then comes the clauſe to prevent the transferring of ſtamps from one to the other, you will not extend the act of parliament, being a very penal one.

Court. I certainly will not extend it; the act of parliament certainly refers to all the things beforementioned.

Court to Mr. Silveſter. I wiſh you would conſider how far the intent that is ſpecified by the act can be extended; the act had in contemplation miſchiefs which had happened in practice before that time, and one was, that old deeds had been eraſed; another miſchief was with reſpect to proceſſes, here they would eraſe the names of one perſon, or put in new names, or take off the ſtamp, and put it on another piece of parchment, and then ſerve that writ; that was uſing it for the ſame purpoſe; it does not ſay as in the caſe of the receipt-tax, whoſoever ſhall utter or expoſe to ſale, or take off the ſtamp, to defraud his Majeſty.

Mr. Silveſter. He ſells it as a writ, he therefore does uſe a falſe ſtamp; and he was paid for them as good ſtamps.

Mr. Garrow. I beg leave to ſuppoſe it was taken off for the purpoſe of a muſeum; ſuppoſe an antiquarian was to wiſh to have a collection of ſtamps, and takes one off from an old proceſs; and afterwards ſells his collection, is that a uſing?

The priſoner called ſix witneſſes, who gave him an exceeding good character.

The learned Judge ſummed up the evidence, and left it to the Jury, whether they were ſatisfied, that the bill of Middleſex againſt Higgins was ever ſtamped; and if it was, that the priſoner ever took off that ſtamp; and, if he did, whether he did it with intention to uſe it on a bill of Middleſex or Latitat; and, if they found the priſoner guilty, he deſired them to ſtate whether they were ſatisfied that the priſoner took the ſtamp off, and ſold it with intention that it ſhould be uſed, whether by himſelf or others, for one of thoſe purpoſes deſcribed in the indictment; and if they were of that opinion, he deſired they would ſay ſo, beſides finding the priſoner guilty.

The Jury withdrew ſome time, and returned with a verdict

GUILTY

Of taking a ſtamp from a certain inſtrument, and of affixing it to another, with an intent that it ſhould be uſed by others.

Court to Jury. Do you find that he had an intent on of uſing them himſelf? ——No, my Lord, we conceive he could not poſſibly have that intention, becauſe he ſold them to the ſtationer.

Court to Jury. I will read the verdict to you. The Jury find that the priſoner took off the ſtamp from the bill of Middleſex, mentioned in the indictment, and affixed it on a piece of parchment, purporting to be the form of another proceſs of the ſame kind, which he ſold with others to Fryer, with intent that the ſame ſhould be uſed by ſuch perſons as ſhould purchaſe the ſame; but not with intent of uſing it himſelf.

Jury. My Lord, that is clearly our idea.

Court. Judgment muſt be arreſted on this verdict.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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598. SARAH WILSON was indicted for feloniouſly ſtealing on the 27th day of April laſt, one wainſcot table, value 6d. one

one flock bolster, value 3d. two blankets, value 6d. one rug, value 1s. three knives, value 3d. three forks, value 3d. and one leg of beef, value 1d. the property of John Barry.

ISAAC PAGE *sworn.*

I am headborough of Norton Falgate, I was fetched by the profecutor, to go to his room which had been broke open, and I found the goods in Mr. Lee's houfe, I took the prifoner.

THOMAS LEE *fworn.*

I faw the prifoner and another woman come by with a table and bolfter, fhe afked me to buy them, and fhe faid, if I would not buy them, fhe would not leave them, for her mother was going to the hofpital, and they were felling the things by degrees.

THOMAS BARRY *fworn.*

My wife and I went out between two and three, and when we came home, the door was open, I miffed the things mentioned in the indictment, I found a table and bolfter again, at the witnefs Lee's apartment.

PRISONER's DEFENCE.

A woman afked me to fell a table for her in Angel-alley, and the gentleman I carried it to, refufed to take it in, and I left it in that empty apartment, which I thought was the room I was to carry it to.

GUILTY.

To be privately whipped and imprifoned fix months in the Houfe of Correction.

Tried by the firft Middlefex Jury before Mr. RECORDER.

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599. MARY ALLEN was indicted for feloniouſly ſtealing, on the 13th day of May, one guinea, ſeven ſhillings, and two ſixpences, the money of Abraham Dry.

And JOHN FENNELL * was indicted for receiving, relieving, aſſiſting, comforting, and maintaining, the ſaid Mary againſt his Majeſty's peace.

ABRAHAM DRY *fworn.*

On the 13th of May, I loſt my money about three in the afternoon, in Blackboy-alley, I was in there along with that young woman, and ſhe robbed me of a little green purſe, and one guinea, ſeven ſhillings, and two ſixpences, I tried to get my purſe out of her hand, and ſhe cried out murder! and that other fellow, and two or three more came in.

Had ſhe got the purſe compleatly from you before they came in?—LAYS, I had not it in my poſſeſſion then; I am ſure the prifoner Fennell was one of thoſe that came to her aſſiſtance; afterwards I took him, and he ſaid, blaſt you! if I had a knife, I would cut your bloody fingers off; there were one or two more, and three or four women, I am quite clear of the prifoner; my purſe was never found again, I believe ſhe was not ſearched.

Prifoner Fennell. When did you firſt ſee me?—The firſt I ſaw of him was coming to her aſſiſtance in the room.

JAMES MACKLIN *fworn.*

I am ſervant to Mr. Thomas Wright, I was in my buſineſs between three and four laſt Monday in the afternoon, I heard murder in the alley, and I jumped up to the window, and I ſaw the prifoner Fennell and the profecutor together, they were at the door, the outſide, where I underſtood he was robbed; after he diſengaged himſelf he ran by our window, and I heard him utter theſe words, damn his bloody eyes! if I had a knife, I would cut his bloody fingers off.

Prifoner Fennell. Could you put your

* See Trial 536 of this Seſſion.

head out of the window to ſee me?—I am ſure it was him and nobody elſe.

WILLIAM WATERFIELD *ſworn.*

I am likewiſe one of Mr. Wright's ſervants, I ſaw the proſecutor taking hold of this man by the collar, ſaying, you are the man that aſſiſted the girl in robbing me; I am ſure it was the priſoner Fennell; with that the priſoner ſays looſe me, blaſt your eyes looſe me! he ſtooped down and took up a ſtone, blaſt your eyes! ſays he, if you do not looſe me, I will cut your bloody hand off, and he hit him over the arm; after that as he paſſed by the window, he ſaid, blaſt my eyes! if I had a knife, I would have cut his bloody fingers off.

JONATHAN DEAL *ſworn.*

I belong to the exciſe, I was at Mr. Wright's, I went and looked out, and the priſoner Allen was crying out murder! and there were ſeveral women round her, and the priſoner Fennell ſtood I ſuppoſe about twenty or thirty yards from the proſecutor and ſwore an oath, if he had a knife he would cut his bloody fingers off; I am ſure it was the priſoner.

PRISONER FENNELL's DEFENCE.

I never ſaw anything at all of the robbery, I know nothing of it, only going down the place, and the people ſwore to me.

PRISONER ALLEN's DEFENCE.

The proſecutor ſent to me to day, that he would make it up for two guineas.

Proſecutor. I never made them any ſuch offer.

MARY ALLEN, GUILTY.

To be privately whipped and impriſoned twelve months in the Houſe of Correction.

JOHN FENNELL, GUILTY.

To be branded, and impriſoned twelve months in Newgate.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

600. GEORGE COSSANS otherwiſe GEORGE otherwiſe called TEAPOT, was indicted for that he together with Peter Warren, and John Nickland, and divers other perſons, to the number of ten and more, on the 9th day of January, in the twenty third year of his Majeſty's reign with force and arms, at the pariſh of Ringwood, in the county of Southampton, being armed with offenſive weapons, to wit, divers large ſticks, bludgeons, clubs, and large whips, unlawfully riotouſly, routouſly, and feloniouſly did aſſemble themſelves together, in order to be aiding and aſſiſting in reſcuing and taking away from John Mitchell, John Smart, Thomas Lear, and Nicholas Summons, a large quantity of tea and geneva, that is to ſay 10Colb. weight of tea, and an hundred gallons of foreign geneva, being uncuſtomed goods, and goods liable to pay duties which had not been paid or ſecured, after ſeizure of ſuch goods, and the ſaid John Mitchell, John Smart, Thomas Lear and Nicholas Simmons being ſuch officers as aforeſaid, againſt the form of the ſtatute.

A ſecond count, For that the others did ſo aſſemble, and aid, and aſſiſt, certain perſons whoſe names are at preſent unknown in taking away a large quantity of tea, and foreign geneva.

A third count, Charges that the ſaid officers did duly ſeize the ſaid tea and geneva being uncuſtomed goods, and goods liable to pay duties, &c. and that the priſoner made an aſſault being armed as before mentioned, and did aid and aſſiſt, the other perſons, &c.

(This priſoner having been brought up laſt ſeſſion *(Vide Seſſions Paper)* on the ſuggeſtion of Mr. Attorney General who now ſaid, he ſhould try him on the indictment only, the Court ordered a Noli Proſequi to be entered on the ſuggeſtion.)

Council for the Crown.

Mr. Attorney General	Mr. Wilſon
Mr. Solicitor General	and
Mr. Serjeant Walker	Mr. Silveſter.

Coun-

Council for the Priſoner.
Mr. Fielding | Mr. Garrow.

Mr. Silveſter opened the Indictment.

Mr. Fielding. Pleaſe to let the witneſſes withdraw before Mr. Attorney General opens the caſe.

(The witneſſes withdrew.)

Mr. Attorney General. May it pleaſe your Lordſhip, and you Gentlemen of the Jury. Gentlemen, this is an indictment againſt the priſoner, under an act of parliament that paſſed in the nineteenth year of the reign of the late King, and it is for an offence of which, if the priſoner is guilty, the legiſlature have very properly thought that he deſerves a capital puniſhment, and with reſpect to that I believe when you come to hear the motives on which the act of parliament paſſed, you will be of opinion it was a very proper act; and certain I am, that if the priſoner is guilty of the fact imputed to him, it is a fact, which from the circumſtances of the preſent times, not only calls, but loudly calls for a very ſevere and ſtrict exemplary puniſhment: the grounds on which that act of parliament paſſed, and the reaſons that induced the legiſlature more ſtrictly to inforce the laws againſt perſons committing the crimes attributed to the priſoner at the bar, if ever they did exiſt, exiſt in their full force now. The act begins with reciting that whereas diſſolute perſons have aſſociated themſelves, and entered into confederacies to ſupport one another, and have appeared in great gangs in ſeveral parts of the kingdom, carrying fire arms and other offenſive weapons, &c. and whereas, ſeveral officers of the Cuſtoms and Exciſe, and their aſſiſtants, have been wounded, maimed, and ſome of them killed in the execution of their office, to the utter ſubverſion of all civil authority; it is therefore enacted that if any perſons to the number of three or more, armed with fire arms or other offenſive weapons ſhall be aſſembled in order to be aiding and aſſiſting, in the illegal exportation of goods to be exported, or in the running, landing, or carrying away prohibited or unaccuſtomed goods liable to pay any duty, which has not been paid, or ſecured from any of his Majeſty's officers, ſuch perſons ſhall be guilty of felony, without the benefit of clergy. Gentlemen, it is for the offence contained in this act of parliament, that is, for being ſo aſſembled for the purpoſe of landing, running, and carrying away, and alſo for reſcuing goods of this ſort after ſeizure, that the priſoner is now indicted, Gentlemen, I ſhould have taken no notice of another part of the act of parliament, or why the priſoner was called upon to anſwer for another offence, if the learned Gentleman had not mentioned it, but the act goes on, and declares, that if an information ſhall be exhibited againſt any perſon guilty of any of the offences in this act, and that ſhall be tranſmitted to one of the ſecretaries of ſtate, and proclamation inſerted in the Gazette for ſuch perſon to take his trial, if within forty days after proclamation he ſhall not ſurrender, then he ſhall be guilty of felony, in the ſame manner as if he had not been guilty of any offence whatever. Gentlemen, the priſoner at the bar after this offence was imputed to him, was called upon by a proclamation to ſurrender; he did not ſurrender, and it was not till a very few months ago that he was apprehended; no matter for what cauſe; being apprehended, he appeared to be the ſame man, he was committed upon, and he might have been tried upon that; but the learned gentleman ſays, I know I could not have convicted him upon that; how the learned Gentleman comes to be ſo well informed, I do not know; he will tell you if he pleaſes any reaſons he may have for thinking the priſoner could not have been convicted under that proclamation: this I know, that the reaſon of that proclamation is this, that if perſons guilty of thoſe violent offences ſhall withdraw themſelves from Juſtice, and then retun into this country, that they ſhall

shall be liable to be tried in this way, by shewing that they did not surrender; but whatsoever the learned gentleman may suppose, respecting me, if I did not believe the man guilty of the offence, I would scorn to prosecute him by that prosecution; and now, though it was in my power to prosecute him under that proclamation, I did not think my duty required it: but I assume no merit to myself on the occasion. Gentlemen, having before you now all the evidence that there could be on that original information, you will think with me that I do much better to prosecute him, as if he had not absconded. The offence I have stated to you from the act of parliament, whether the prisoner falls within that act, you, under the directions you will receive from the Court, are to decide: the learned Judge will state to you his opinion of the act of parliament; you will hear that, and then you will judge of the facts, and if you think those facts warranted, you will pronounce the prisoner Guilty. The prisoner is, I believe, originally a native of Hampshire, at least he has lived in that country for some years; and, until this offence was committed, I believe was continually there. On the 9th of January, 1783, one Thomas Lear, who is an officer in the excise, received information, that there was a great quantity of smuggled goods lodged in a house at Burley in Southampton, where they went and seized fifty bags of tea, and forty casks of Geneva; soon after a waggon belonging to one Shelly was coming by, and they desired he would permit them to take it to Ringwood; time enough had elapsed between the seizure and the time of conveying it to Ringwood, for a very considerable number of persons, of whom the prisoner is one, between thirty and forty, or some such number, that had concealed themselves behind the road to obstruct those by whom this seizure was to be conveyed to the Excise-Office; it will appear in the course of the trial, that some of them had the knowledge that the soldiers had no ammunition; and I believe the prisoner was bold enough, because he knew that fact, to take the part he did in this present business: as they were going along the road there rushed out from a wood not above three or four hundred yards from the place where the seizure was made, several persons, some of them with large sticks; and the prisoner was the most active man, crying out to the rest, damn it, come on, they shall not have a bit of tea; upon which they drove the officers away, and drove off the waggon full speed. Gentlemen, you will find these persons were as good as their words, for they got off the tea, drove it off, and no more was heard of that: this was not sufficient, which I should have thought might have satisfied these gentlemen, but they were determined to be guilty of another fact, which was one of the reasons that this act of parliament passed, which states that the officers were frequently maimed, and their lives sometimes taken away; the soldiers, as I understand, were young recruits, and they tempted them with an offer of some liquor, not to do their duty; the officers began to see that the smugglers and the soldiers were upon such terms on the road, that they thought it their best way to make off as fast as they could; accordingly all the officers endeavoured to make the best of their way; but when the smugglers found the officers were frightened and running off, they followed them, and beat them in such a manner that one of them was left almost dead. Gentlemen, this is the offence charged against the prisoner: it is necessary there should be three persons, or more, with fire-arms or other offensive weapons, that they should be assembled for the purpose either for the forcibly landing prohibited goods, or rescuing goods prohibited from the persons who by law were authorized to seize them; if they were so assembled with that view, they are guilty under this act of parliament, whether they do any thing or not; but in the present case there cannot be any doubt that the prisoner was one of those that assembled with that intent, the fact will leave no doubt of his guilt in that respect; the only question then will be whether

ther there were three perſons or more in company aſſembled with the ſame common intent, or armed with fire-arms, or other offenſive weapons. My Lord, will ſtate the law, I take the liberty of ſtating, that if the perſons ſo aſſembled had with them, or about them, thoſe things which were uſed, as probably and poſſibly they might be uſed, by them as weapons of offence, that is ſufficient, and then the priſoner is guilty under this act of parliament, although the weapon is not ſtrictly and properly ſpeaking a fire-arm, for what is an offenſive weapon is to depend as well on the uſe of the inſtrument; I may make uſe of a thing as an offenſive weapon, that is not in its nature intended as ſuch; but I ſubmit with great confidence to my Lord's direction, that if it appears to you that the priſoner and his comrades had at this time thoſe things which they uſed as offenſive weapons, as for inſtance, if I was to ſnatch that candleſtick, and go about with it to knock down exciſe officers, I ſubmit it would be an offenſive weapon; and under that direction, I am confident you will convict the priſoner; but if there ſhould be any doubt in point of law; if my Lord ſhould have any doubts, and you ſhould entertain doubts likewiſe, I am ſure, in that caſe, you will not be at all averſe to ſtate what facts you find, and leave the determination of the law to all the Judges of England. Theſe things are in your power; it is in your power generally to acquit; and in your power generally to convict: but, if you ſhould have any doubts, though I do not know that any will ariſe, I am ſure you will not be averſe to finding the priſoner guilty on the facts, as they appear to you, ſtating thoſe facts, that they may be reſerved for the opinion of the Judges: but if you find the priſoner is not guilty, it will be equally your duty to ſay ſo.

Mr. Fielding My Lord, I hope Mr. Attorney-General will ſatisfy the Jury, that the matter of the ſuggeſtion he mentioned is quite foreign to this inquiry, for I could have given a moſt ſatisfactory anſwer to that ſuggeſtion, and therefore this caſe is not to derive any aſſiſtance from that.

Court. Certainly not.

JOHN MITCHELL *ſworn.*

(Examined by Mr. Solicitor-General.)

I am an officer of exciſe, I remember a ſeizure at Ringwood, the 9th of January, 1783, there was between forty and fifty bags of tea, and between thirty and forty caſks of liquor, belonging to one Jonathan Coffin.

How many officers were there all together?——About ſix.

After you had made this ſeizure, what did you do?——We employed a waggon to carry the goods to Ringwood after we had ſeized it, and in going along from Burley to Ringwood, we were moleſted by a ſet of men, and they reſcued the waggon, and the goods that were in it from us, and drove it away; we were about three or four hundred yards from Burley, there were about ten or twelve perſons that ſtopped, that came as we apprehended, from behind the buſhes; I ſaw them come down to the waggon, they were on horſeback, they were on the left ſide as we were going to Ringwood.

Where did you firſt ſee them?—When they came down immediately, to take the waggon from us.

Was there a perſon of the name of Early there?—Yes.

What did he do?—He aſſiſted with the reſt in reſcuing the waggon; after we had ſeized the goods and got them into the waggon, we came to Caſſin's houſe, down a little hill, about three or four hundred yards; then Early rode by the waggon and came to me, he met me and ſpoke to me, he went by me, and preſently returned back, and I ſaw the other perſons come up, as I apprehended, from behind ſome buſhes, then he ſaid, damn your eyes, come out.

Was the priſoner one of theſe perſons?——Yes.

Had thoſe perſons, or any, and which of them, any thing in their hands?——Several of them had ſomething in their hands.

What were they?——Sticks, ſuch ſticks as ſmugglers generally ride with, rather larger than riding ſticks in general, larger than walking ſticks a great deal, but I never meaſured any of them, and I cannot tell you particularly as to the ſize, they are ſuch ſticks as a perſon would walk with to defend themſelves.

What next happened?——They then went to beat the horſes that were in the waggon, in order to drive it away from us, then they endeavoured to keep us back, and they ſtood before us, and would not let us go by; the ſticks that I ſaw, I ſaw them beat the horſes with, and drive the waggon.

Did they make any uſe of their ſticks with reſpect to you or the other officers?——Not juſt at that time, they drove them on.

Did they at any time make uſe of thoſe ſticks as againſt you or the other officers, deſcribe what paſſed after that?——They kept us back from purſuing the waggon, and in turning for us to go forward, there was one of them ſtruck the collector.

Mr. Fielding. What were the goods gone at this time?——They were gone on the road.

How far were they gone?—I ſuppoſe at that time that they ſtruck the collector they were gone a quarter of a mile.

Court. I think under this indictment after the offence is compleat we cannot hear what was done.

Mr. Solicitor General. What did they do at the time that the waggon was ſtopped?—Advancing the ſticks and keeping us back.

Court. Then they ſtopped you from coming up ſome of them holding up their ſticks?—Yes.

Mr. Solicitor. Where was the priſoner at that time?——He was amongſt them.

What had the priſoner in his hand at this time?——I cannot be certain.

Had he any thing in his hand?——I cannot ſay, I did not obſerve.

Where were thoſe perſons placed at the time they made the reſcue?——They were at the left of us when they came to the waggon; they ſeemed to come acroſs on the waggon at once, I never ſaw anything of them before.

Did you hear the priſoner at the bar ſay anything?——No, I do not remember I ever did.

Was anything ſaid by any of theſe perſons?—There was a cry (we were all in confuſion) damn me, keep back, but who ſpoke I am not able to ſay.

What was ſaid by any of them, when the priſoner was among them?—I do not remember hearing any of them ſpeak but Early, and that was when the waggon was gone on.

Court. Did Early call out to anybody?——He did after he paſſed by me when he came down the hill again, I heard him plainly and diſtinctly ſay, damn your eyes come out, on ſaying theſe words, ſome ruſhed out from behind the buſhes.

Was the priſoner one of thoſe?—I was at that time in confuſion, I ſaw the priſoner there.

Mr. Fielding. I underſtand that at this place they were on horſeback, of courſe ſome breadth of road was neceſſary to admit them?—It was a common, what we call a heath, where there is furz buſhes and trees.

Whether the priſoner was an accidental paſſenger there or not you cannot ſay, you heard him ſay nothing, you ſaw him do nothing?——I cannot take upon myſelf to aſſert, how he came there, or for what purpoſe he came there, only that he was there; I ſaw him but once, which was when the waggon was driving away, after that I apprehended he went away with the waggon, but whether he did I do not know; he went that way with the waggon.

You ſaw him among that number, but you ſay that he did nothing, that he ſaid nothing, that you do not know whether he had a ſtick in his hand or not, and that he went

went away, and you saw nothing more?—Yes.

Mr. Attorney General. Did the waggon turn off quick or slow?——As fast as it could.

Did he follow the waggon?—He went on with it.

Which way was it he came?——From one side of the road.

Did he go with the rest after the waggon?——Yes, there were such a number of people, some went with it, and some staid to keep us back, there were more than twenty or thirty; I only came here to tell the truth, and what I know of the fact: I shall say no more one way than the other.

Court. When you first saw the prisoner he was with the rest?—He was.

When you last saw him, was he with those that went away with the waggon?—Yes, as far as I saw them.

This was within three or four hundred yards of Burley?——It is called Burley, it is a long straggling village, four miles round.

Were there any people whom curiosity brought upon this occasion?——If I must tell that, I believe there were, for there were a good many at the house; for in such a place as that, as soon as the officers go to seize goods, the country people do assemble.

I will ask you freely, you seem to speak fairly, could you from any act of the prisoner's, discern whether he was among those people who came with the rest, to see what was going forward; or whether he was one of those that came to rescue the goods?——He was with them that rescued them; but with what purpose he came there, I cannot say, I never saw anything of him, till Mr. Early spoke; where they came from I did not immediately see, there were some bushes or trees, that took away my sight, whether they been concealed or whether they were coming up at that juncture I cannot say.

Court. Were they upon the Ringwood road when you first saw them?——There are a number of roads upon the heath, but whether they were on the road I cannot say.

Is there any made road in this place?—There was a road where we were with the waggon, and they were to the left of that, and they crossed towards the waggon.

Did the people that so crossed towards the waggon, come up in a compleat body, or did all the other people come with them?——It appeared to me they came all in a body.

Was the prisoner one of those that so came up?—He came up with them.

Did you give information before the Justice of peace?—Yes.

JOHN SMART *sworn.*

I am an officer of excise, I remember being at Coffin's house, in January, 1783.

Mr. Wilson. Was you present when a seizure was made there?——Yes, I carried it to Ringwood in a waggon, I went two or three hundred yards.

What happened then?——There were people came and rescued it, and said, we should not have it.

Look at the prisoner at the bar, was he one of them?—He was one of the people that was there.

Where did these people that came up there come from?——Out of some bushy bye place.

Were they on horseback or on foot?—On horseback in general.

Did they meet you or overtake you from the road?——They came out of the road most of them, the left hand of the road.

Who was the first person that you saw?——One John Early was the first.

Did you hear him say anything?—Yes.

Before the others came?——Yes.

What was it?——He met the waggon, and came past us, he then came back again, and said, damn you, come on.

Do you know who he spoke to?——He hallooed out as he rode along, Damn you come on; then many came round us, they

came

came out from among the bushes, and almost every where from every quarter.

Was the prisoner among those that came at that time?—Yes.

Was he on foot or on horseback?—He was on horseback.

Had those people or any of them anything in their hands?——Three or four had sticks, and I saw one with a whip, I could distinguish properly.

What was it that they did when they came up after Early had said, damn you come on?——Some of them fell a beating the horses, and drove the waggon away, and there was a great noise and confusion just at that time, I was on horse back, and so were the rest of the officers.

Why did not you follow the waggon then?—They prevented us.

In what manner was it that they prevented you?—They said, damn you, keep back, keep back; and we were apprehensive that we should be beat or hurt.

Why so?—Because one or two of them had sticks, and held them up, and said keep back, keep back.

Was it in consequence of this, that you did keep back, and did not follow the waggon?——Yes.

Do you know what number there might be of them?——I cannot say exactly, there were thirty or forty, as far as I know.

Do you know whether the prisoner had or had not anything in his hand?—I cannot say whether he had anything or no.

Did you hear him say anything?—No, Sir, I do not recollect I did.

Did you see him do anything?——He was riding backwards and forwards with the rest, and there was a great confusion.

What do you mean by riding backwards and forwards?——They kept in general riding backwards and forwards, and there was a great shouting and noise, they rode athwart and across the common, at first I did not take particular notice which way they rode, some of them took the waggon and horses, and drove it on.

What became of the prisoner at the bar?——The waggon then kept driving on by those people beating the horses, and he went away with it, as I believe, I never saw him afterwards, I am not clear that he went with the waggon, but he went away, and I saw no more of him that day.

Mr. Garrow. Mr. Smart, this was a considerable seizure?—Yes.

Did it draw any of the people of Burley about you to see what was the matter?—Yes.

There were a great many people there besides smugglers?—I do not know that.

THOMAS LEAR *sworn.*

(Examined by Mr. Serjeant Walker.)

You was present on the 9th day of January, 1783, at the making of a seizure?——Yes.

Give an account of what you first knew of it?——Soon after we seized the goods, about forty yards off we put them in a waggon, to carry them to Ringwood, the waggon was driving on the road to go to Ringwood, there was Mr. Boyd the collector, and several other officers; then we met John Early, and he passed on to the house where the goods were seized, then he returned again, and he called out, come on my lads, and immediately rushed out a parcel of men from the bushes, I cannot tell just their number, they were all on horseback.

Was the prisoner one of them?——The prisoner was one of them.

Immediately when they rushed out what did they do?——They came to the horses, some riding a gallop, others walking a trot, and all manners; I do not remember what they said, they began beating the horses that were in the waggon; I saw one Jumper strike Mr. Boyd the collector, that was after the waggon was at some distance; I imagine we were about forty yards from the waggon.

Were you in pursuit of them?—In sight of them, there were a number of men, smugglers, between me and the waggon.

Was

Was the prisoner there?——He was among the number.

Were the smugglers all quiet?——They were all swearing and making a noise.

What a very great noise?——A very great noise.

What did they do to the people that were following?—I saw one knock down one of the soldiers.

How far was you from the waggon then?—About ten yards.

Court. Was the prisoner there then?—The prisoner was there then.

What did they knock him down with?—A great club hedge-stake.

Had they any sticks or whips in their hands?—Yes.

Who had the prisoner in his hand?—It was either a stick or a whip, I cannot tell which.

Had he anything in his hand?——He had something; they brandished their sticks to keep me back, I imagine.

Was the prisoner among them?—Yes.

How many might there be of those people that came in that manner?—There were ten and upwards.

How many might there be in all?——There were seventy or eighty, or more of them in all; we followed them forty or fifty yards, and they drove down the road to the right.

Where was the prisoner?——He was among them.

What did he do?——I never saw him do anything; I never saw him after Boyd was struck, but he was there at that time.

Mr. Fielding. We have heard this man did nothing at all, he happened to be there?—No, he had something in his hand, the party who stood there all drank together.

If you cannot tell whether it was a stick or whip, of course you cannot tell what sort of stick it was?—It appeared to be largish, but I was in so much fright that I cannot recollect what sort of a one it was.

Mr. Garrow. His fear magnified it?—I did not see him strike any person.

Did he brandish a stick?——He did nothing more.

Did he do that?—Yes.

What time did you see him do that?—Just as I got off the waggon, then I saw him brandish something like a stick or whip, I was then about ten yards behind him.

NICHOLAS SIMMONS *sworn.*

(Examined by Mr. Silvester.)

I was in company with the other officer, at a seizure of these teas and geneva.

What was the first thing you saw?——I was the last that came from the house with the officer; before I came to the waggon the smugglers had possession of the waggon, and before I saw the prisoner; I cannot take upon me to say that he had anything in his hand; I saw him do nothing, but he was sitting on horseback, some persons ordered the soldiers to fire, and immediately I saw him turn his horse, and go the road the waggon went; I saw no more of him.

Mr. Garrow. All that you saw him do was what I or anybody else would have done, that were drawn by curiosity, namely, to ride away when we heard an order for firing?—Yes.

Mr. Solicitor General. My Lord, I presume it will hardly be necessary for either of us to trouble your Lordship, on the law upon the present state of the evidence.

Court. You will judge of that for your client.

Mr. Fielding. Under the present state of the evidence, I feel myself perfectly confident that the Jury will acquit the prisoner at the bar, and I am convinced of your humanity, Mr. Attorney-General, that you will not agravate the law, as it now stands; the act of parliament says, if they assemble with fire arms, or other offensive weapons; surely it does require consideration upon this subject, whether you will

will call a common riding ſtick or whip, an offenſive weapon? firſt of all they mention fire-arms, I ſhould conceive the moſt reaſonable conſtruction is this, if they are fire-arms, or other offenſive weapons, ſuch as cutlaſſes, &c. but they never meant to extend it to ſticks or whips.

Court. It is impoſſible for the law to draw a preciſe line which will hold in all caſes, as to what ſhall or ſhall not be called an offenſive weapon; it muſt greatly depend on the circumſtances of the caſe, for it would be going a great deal too far to ſay that nothing but guns, piſtols and daggers, and inſtruments of war ſhould be conſidered offenſive weapons; bludgeons properly ſo called, clubs, and many others that might be deſcribed, all theſe are clearly upon the face of them offenſive weapons: In ſhort, anything that is not in common uſe for any other purpoſe but a weapon, is clearly an offenſive weapon; but there may be pokers, ſhovels, tongs, very large knotty ſticks, which under particular circumſtances may be offenſive weapons; for inſtance, if twenty people, every one armed with a large kitchen poker, were to come and commit an offence of this kind: loaded whips, larger than thoſe that people ordinarily ride with, very large walking ſticks—but it becomes a queſtion of facts for the Jury; for that which may be offenſive at one time, and under one circumſtance, may not be ſo at another; and the Jury muſt judge; a common walking ſtick may be an offenſive weapon in ſome caſes, therefore, it is a queſtion for the Jury, whether the man had it to walk with, or to attack others. I hold it to be indiſpenſably neceſſary that the individual who is tried ſhould be himſelf armed with ſome offenſive weapons, for I do not think it will ſatisfy the words of the act of parliament that he comes in concert; there muſt be at leaſt three armed, and one of them the priſoner; and three of theſe witneſſes have not been able to ſay whether he had anything in his hand; and as to the fourth witneſs, we cannot lay much ſtreſs upon his word *large*, becauſe he cannot tell whether it was a ſtick or a whip.

Mr. Garrow. I am going to ſtate a deciſion of this Court, and I ſhould not have done it in ſuch a caſe as this, if I had not done ſo before, but, in the laſt caſe of this kind, I had nothing more to do than to hand up to the Court the opinion delivered by themſelves in the preceding caſe.* Mr. Juſtice Gould tried two caſes; in the laſt caſe the evidence was, that perſons were aſſembled, armed with very large ſticks, with forks or prongs to them: a witneſs ſaid the priſoner had a large ſtick, but that their countrymen in the county of Devon did walk with ſuch ſticks; the Judges held that it would be a moſt groſs conſtruction of the act of parliament, to ſay that that which the evidences for the crown endeavoured ſeveral times in their evidence to call a bludgeon, that it would be a very groſs conſtruction of the act of parliament, to ſay that that ſtick which is equivocal in its uſe, and is a ſtick for defence, ſhould be converted inſtantly into a weapon deſcribed by this act of parliament, and they laid conſiderable ſtreſs on the words of the act of parliament, which ſay, *fire-arms, or other* offenſive weapons; the Court held, that the act of parliament muſt have meant ſome weapons as offenſive, and they held that there muſt be a premeditated aſſembling and arming; perfectly clear it is that the perſon who is tried muſt be ſo armed, and, muſt be ſo armed with that intent; otherwiſe he cannot come there on the common purpoſe: in the other caſes the Court unanimouſly held twice, that ſticks deſcribed to be large ones, and with forks of wood to them; the Judges would not hold them to be offenſive weapons, and they would not let them go to the Jury.

Court. I have ſome doubt whether the law abſolutely put a negative upon anything being an offenſive weapon, which may be

* This was the Volume of Seſſions-Papers in Alderman Peckham's Mayoralty.

uſed

uſed to injure man, even if it be in common uſe, as I have cited in the caſe of an iron poker, if I were to draw any line at all, which I do not mean to do, I ſhould ſay, that to be an offenſive weapon, it muſt be a weapon which may injure the life or limb of man.

Mr. Attorney-General. My Lord, I hope I never ſhall feel a deſire that this man may ſuffer, or that that man may ſuffer; I want to have it aſcertained what this offence is; the different conſtructions are at preſent ſo vague and indeterminate; I ſubmit, my Lord, the queſtion to be left to the Jury is, whether this perſon was together with three others, he being one, armed at that time with a weapon, either with a ſtick or whip, of ſome ſort, brought by him for effectuating that purpoſe for which they were ſo aſſembled; the queſtion is whether, from the evidence of the manner in which he uſed it, the Jury are ſatisfied that this was an inſtrument in his hands uſed for that purpoſe.

Court. I have no ſort of objection upon it, for I think it would be of extremely dangerous conſequence, it would be inſnaring people as well as leſſening the effect of the law, that people ſhould go away with an idea that nothing but a gun or a ſword is an offenſive weapon; it will be the province of the Jury ultimately to decide whether the priſoner is guilty, when I have ſummed up the evidence with ſome obſervations on the nature of the charge. Gentlemen of the Jury, it has been truly ſtated to you, that the offences deſcribed in this act of parliament are of a very dangerous public tendency, and wherever they have been committed, and can be clearly proved, it is a duty to ſee that the law is properly carried into execution. but no conſiderations, of public policy or of the dangerous tendency of particular offences ought at all to operate in leſſening the degree of certainty, in order to bring home the offence to the perſon charged with it; for the heavier the offence and the more certain the puniſhment, the ſtronger ought to be the evidence to affect the party with its conſequences. *(Here the learned Judge ſummed up the evidence, and added:)* it is clear under this act of Parliament the mere act of reſcuing is not the offence, but it is the aſſembling for doing an illegal act; therefore the firſt queſtion is, whether the perſons who reſcued theſe goods met the waggon accidentally, or whether you are ſatisfied that they were perſons who had aſſembled together, and had armed themſelves in ſomeway or other for the expreſs purpoſe: it is certain in point of fact, that the priſoner was amongſt them.

The Jury deliberated a minute or two, and gave a verdict,

NOT GUILTY.

Tried by the firſt Middleſex Jury before MR. RECORDER.

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601. SARAH KIRKHAM was indicted, for that on the 23d day of February laſt, Michael Johnſon otherwiſe M'Mahon was in due form of law convicted of forgery, and received ſentence of death: and that ſhe the ſaid Sarah Kirkham, on the 13th day of April laſt, unlawfully did take and convey into the gaol of Newgate, a certain ſaw, without the privity of Mr. Akerman, the keeper of the ſaid gaol, with intent to deliver it to the ſaid Michael Johnſon, that he might by means of the ſaid ſaw make his eſcape and go at large from and out of the ſaid gaol, the ſaid ſaw being an inſtrument proper to facilitate the eſcape of priſoners.

A ſecond count, For conveying a certain other ſaw with intent to deliver it to a certain perſon unknown, that the ſaid Michel Johnſon might eſcape.

The priſoner pleaded GUILTY.

Court to Priſoner. In conſideration of ſome compaſſionable circumſtances mentioned

May, and putting him in fear, and taking from him one shilling, his monies, &c.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Baron PERRYN.

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602. PERRY LEVY was indicted for feloniously assaulting John Boudmead, on the King's highway, on the 10th day of

OPINION of the TWELVE JUDGES,

On the reserved Cases of Jonathan Hickman *and* James Dyers; *and on the reserved Case of* Richard Ilsley,

DELIVERED BY MR. JUSTICE WILLES.

JONATHAN HICKMAN and James Dyers, you were indicted and found guilty of stealing lead from Hendon Church, the lead was laid in the first place to be the property of the vicar, Mr. Carrington Garrick; in the next place it was laid to be the property of the churchwardens, and thirdly of the inhabitants and parishoners: the lead being affixed to the freehold, it was conceived that the property was not in any of the persons mentioned in the indictment, and it was left for the opinion of the Judges: by the act of parliament the words are general, that if "any person shall steal rip, cut, or break, "any lead from any dwelling house or any "other building whatever affixed thereto, "that they shall be deemed guilty of fe-"lony." Upon consideration the Judges were of opinion, that the church came under the description of "any other building "whatever;" therefore, the only doubt in your case was, whether the lead belonged to the vicar, or the church-wardens, or the inhabitants and parishoners; but the Judges were of opinion, that wherever the property was, under the act of parliament, the stealing from any building was a felony, and that it being said to be stolen off the church of Hendon, was a sufficient description, of sufficient certainty; and that the property was immaterial; and that the conviction was proper on the first count.

As to Richard Ilsley, his case is exactly the same in point of law as the former, and therefore his conviction is legal.

JONATHAN HICKMAN and JAMES DYERS

To be publickly whipped and imprisoned two months in the House of Correction.

RICHARD ILSLEY,

To be whipped and imprisoned eighteen months in the House of Correction.

MIS.

MISDEMEANORS.

604. JOHN THOMAS WILLIAMS was indicted for that he, on the 26th day of February laſt, unlawfully, knowingly, and deſignedly, did produce to one William Cheek, a certain wooden caſe directed to William Waller, and falſly pretend to him that the ſaid caſe did then contain four glaſſes, and came from Leghorn, and that he brought it from Captain Jones, of Deptford, and that it was for the Honourable Captain Waller; by which ſaid falſe colours and pretences, he did then obtain from the ſaid William Cheek twenty-four ſhillings his monies.

WILLIAM CHEEK *ſworn.*

I am book keeper, at the King's Arms Inn, in Leadenhall-ſtreet; the priſoner came to me the 26th of February laſt, and brought this note *(The note read)* "On "board the ſhip the Mary, Captain Jones, "directed to the honourable Captain Wal-"ler, from Leghorn, a large caſe contain-"ing four glaſſes, freight 22s. waterage "from Deptford 2s. received the contents "being for freight, for the uſe of the own-"ers of the ſhip Mary. Signed William "Jones." He came firſt with the note and aſked whether I would pay for it provided he brought it, he ſaid the Captain would not ſend it unleſs I paid for it, and he went and brought the caſe, and put it into the warehouſe; it was directed for the the Honourable Captain Waller, at John Lewes's, Eſq; Colcheſter; when he firſt brought the caſe to me, I looked at the direction, and I very readily paid him twenty-four ſhillings, he ſaid it contained glaſſes, he did not ſay what glaſſes, I did not refer to the note, he aſked directly for a receipt for the caſe, which I gave him.

What did the priſoner ſay about the contents of that note?——Nothing further reſpecting the the note, than the requeſting the money.

When he gave you the note, what did he ſay it was?——He ſaid it was a note for a caſe of glaſs.

Did he ſay whether that note contained an account of what the caſe contained?—He told me it did, when he brought the caſe again, he ſaid that was the caſe.

Did he ſay where he brought it from?—He did not, I looked at the direction, and paid him the money directly, I believe he was not in the houſe a minute, he went away; on the Monday following, the 28th I was ſent for to the Saracen's Head, he was there, and afterwards he was taken to the King's Arms, and a caſe was opened, and there was rubbiſh and dirt in it, he ſaid he knew nothing about it, I aſked him why the glaſs was not in, he ſaid, he could not tell, he went to the Saracen's Head with the conſtable, and two other boxes were opened there, and they contained nothing but rubbiſh and dirt, and he was taken to the Compter.

Did he ſay who had ſent him?——He could not tell.

Mr. Peatt, Priſoner's Council. Did you make any enquiry after this Captain?—I had no occaſion.

Was you preſent when this man was examined before the Lord Mayor?—Yes.

Was there any doubt as to the identity of his perſon there?——Not to my knowledge; I heard ſome perſon ſay in the yard, you have made a miſtake, you have not put in the glaſs, he ſaid I have not.

MATHEW ELSWORTH *ſworn.*

On the 26th of February, I was in the warehouſe, the priſoner brought this caſe to me in the warehouſe, ſays he, take care of it porter, for it is glaſs; I immediately called

called down the book keeper, and he was paid twenty-four ſhillings; the priſoner is the ſame man, I am ſure of that; I went to him in the Saracen's Head yard, ſays I, Sir, did not you bring a caſe to our yard, which contained glaſs, yes, ſays he; ſays I, will you go with me, ſays he, I will; I brought him to the King's Arms yard, the caſe was brought out, and he ſaw the contents of it, he ſaid, he was employed by a man, but he did not know him.

Mr. Peatt. Was you before the Lord Mayor when this man was examined?——Yes, I was.

Was there any difficulty about his identity?——I did not hear any, I was not called up.

Did Cheek the book-keeper make any doubt?——Not that I heard.

WILLIAM GOVIN *ſworn.*

On the 28th of February, I was ſent for to take charge of this man, as ſoon as I came up, I ſaw them open this caſe, and there was nothing but rubbiſh and ſtones in it; and I found this ſeal, and ſome ſealing wax in his pocket.

PRISONER's DEFENCE.

My Lord, and Gentlemen, I have ſerved his Majeſty many years, I have always obtained a good character from thoſe I had the honour of ſerving; I was employed as a porter, and got up about half paſt five to provide for my family, I got no work, and I came home and breakfaſted with my family; I went down to the waterſide, and I was accoſted by a perſon, who by his appearance ſeemed to be a gentleman; he aſked me if I wanted employ, I told him I did, he told me to follow him, I went with him to the City of Briſtol, at Irongate; he aſked me if I could read, I told him yes, he gave me this bill of parcels and deſired me to go the Saracen's Head, and enquire for the waggon, I went there but they told me to go to the King's Arms, and there I ſaw the proſecutor, I delivered the bill of parcels to him, I told him it was my orders to aſk whether it went out there; I ſaid, Sir, I was deſired to aſk you to pay the freight, I went back and told the perſon that employed me, and he told me to follow him; I went with him to Tower-wharf again, and in the Train-houſe there was another man, he aſked me to carry that caſe on my head without turning it, I found I could carry it, he ſent another man along with me, I returned the money to the man that employed me; he paid me two ſhillings for my trouble, and he gave the other man that went with me one.

Court. Have you any witneſſes from the public-houſe to prove that?——I have two witneſſes.

The priſoner called three witneſſes who all gave him a good character.

GUILTY.

Fined 1s. *and impriſoned twelve months in Newgate.*

Tried by the London Jury before Mr. RECORDER.

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605. JOHN SMITH was indicted for that he, on the 4th of November laſt three pieces of printed callico, value 5l. the property of Meeſon Schooley, lately before feloniouſly ſtolen, unlawfully did receive and have, knowing them to have been ſtolen.

The Caſe opened by Mr. Garrow.

THOMAS FLINT *ſworn.*

I live in Gracechurch-ſtreet, I am a haberdaſher; on the 4th of November a young man that lived with me at that time, brought me ſome goods, and I looked at them; his name is Pearce; I went to the public-houſe where Pearce directed me, but before I went to the public-houſe the goods had been at my houſe a day or two, during which time ſomebody had ſent two or three times for the money; I gave for anſwer that I ſuſpected they were not come honeſtly by; when I came to the public-houſe, I ſaw the priſoner there; I told the priſoner that

that I would be glad to know before I paid him for the goods, how he came by them; the young man ſhewed me the priſoner; the young man told me the price; I mentioned to the priſoner the price that had been aſked of me for the calicoes, which was a guinea a-piece; I recollect that I told him there was a gentlewoman, a country ſhop-keeper, that is now waiting at our houſe, and ſhe ſaid ſhe ſhould like to have chintzes at the price; he ſaid he bought the goods of a ſailor, going to France; he did not know him; they were prohibited going in there: I told him to go before an Alderman.

Court. They were called chintzes?——Yes, chintz patches, they were Engliſh manufactory; the priſoner ſaid he came very honeſtly by them, he was willing to go before the Alderman; the Alderman ordered me to appear there that day ſe'nnight, and the priſoner with me; I attended on the Thurſday, the priſoner did not attend; the chintzes were claimed by Mr. Schooley, as his property: the priſoner lives in Crucifix-lane, Bermondſey-ſtreet; I went there with a ſearch-warrant, to a houſe which I was informed was his.

Mr. Silveſter, Priſoner's Council. Theſe were chintz patterns, were not they?——Yes.

Pearce is not here?—No.

When you came to Smith to the public-houſe where were the chintzes then?—At my houſe, I did not carry them there.

MEESON SCHOOLEY *ſworn.*

I am a linen-draper in Coventry-ſtreet; I had three pieces of what we call chintz; they are foreign calicoes, printed here in imitation of the chintz patterns; they were my property, I am certain of it; they are my own patterns, nobody elſe prints them but myſelf, they are only ſold in my own houſe, they are not delivered to the trade; I had goods of that ſort in November; I did not find I had loſt them till I was informed; they coſt me ſix pounds.

Mr. Silveſter. Have they been in your poſſeſſion ever ſince?—No.

Where have they been?——Mr. Flint left them at Mr. Harriſon's, I know they are the ſame, there is no mark, but nobody elſe can have them but myſelf.

You did not know you had loſt any of thoſe?——No, Sir, nor when I ſearched, I did not then find them miſſing.

Theſe things are ſold in your ſhop to any lady that chuſes to purchaſe them?—Yes.

How many pieces have you ſold of this pattern?—An hundred.

How long have theſe been out of your poſſeſſion?—I cannot tell.

Court. Have you at any time been able to aſcertain whether there were any or what number of pieces miſſing?—No, Sir.

JOHN SEALY *ſworn.*

Court. We cannot convict on his ſingle teſtimony; now as to the fact of their being ſtolen, there is not a ſingle tittle of evidence.

Mr. Garrow. It is not my duty to preſs the caſe.

Mr. Fielding. The queſtion is as to the propriety of examining him at all.

Court. You muſt lay a ground for examining him.

Mr. Garrow. Do you know of any callicoes having been delivered to Smith the defendant?—I know nothing of them.

Have you ever had any converſation with Smith the defendant about three pieces of callico?——No, none at all.

Mr. Garrow. I beg leave to ſay, for the ſake of Mr. Schooley, that this man has made an ample confeſſion.

Court. There is no doubt but it is a very proper proſecution.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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606. SAMUEL REYNOLDS was indicted for that he, on the 30th of July twenty-

twenty-two ells and an half of ſilk, value 3l. 6s. the property of William Griffin, George Hubert, and John Griffin, by a certain perſon unknown feloniouſly ſtolen, unlawfully did receive and have, knowing the ſame to be ſtolen, againſt his Majeſty's peace.

The witneſſes examined apart at the deſire of the priſoners.

The indictment opened by Mr. Fielding.

DANIEL FORME *ſworn.*

I live in Great Eagle-ſtreet, Spitalfields, I had ſome ſilk intruſted to me by Meſſrs. Griffin, Hubert, and Griffin; I know not what became of it; my houſe was broke open between the 13th and 14th of June laſt, by breaking through the partition of an empty houſe; and there were ſome hand-bills printed of the robery.

Should you know the ſilk again?——I will not ſay.

How much was you intruſted with?—Made and unmade 130 ells, what was not wrought was taken away in the round, as it was in the manner of weaving, there were about forty-ſix ells which were made.

What ſort of ſilk was it?——Black mode.

In what condition was this ſilk when you firſt had it?—Fit to be wove.

Jury. Was not this ſilk a warp ready for weaving?——Yes.

Mr. Silveſter, Priſoner's Councel. Then this is what would be diſtinguiſhed in your line of buſineſs as ſilk warp?—Yes, Sir.

THOMAS EMERY *ſworn.*

I was there with Mr. Forme, I remember this ſilk, there was about 139 ells, it was then in my loom, in a proper form as it ought to be: I left it on the 12th of June, on the 14th I went to go go to work in the morning at ſix, and my work was all taken away, made and unmade.

Was there any mark about this ſilk that you can ſpeak with certainty to it again?—I ſaw it again at the dreſſer's, at Mr. Williams's, it was carried there to be dreſſed, the very day after thankſgiving day, that was the 30th of July; I can ſay it was the very work that I manufactured myſelf, it was together.

Mr. Garrow. How is it that you know it again, my friend?——By a mark that I put.

JOSEPH GUY *ſworn.*

I am ſhopman to Mr. Wilkins, I produce the ſilk; Mr. Reynolds brought this to our houſe to dreſs; it has been in my cuſtody, I did not receive it from him at the door.

ABRAHAM NETTLEFORE *ſworn.*

I am ſervant to Mr. Williams; I know the priſoner; on Monday the 30th of July, he came to my maſter's houſe, he ſaid he brought ſome pieces to dreſs, he bid me aſk when he could have them, and he laid them acroſs my arm; he brought them in a bag like a ſatchel, it was brown, the piece was a warp of three quarters mode, he folded it up, my maſter's brother told him he might have them on Monday; I took them up ſtairs, and laid them on the pleating board.

What became of that ſilk then?—George Kelly received it from me.

Mr. Silveſter. Does Reynolds frequently come to your maſter with ſilk?——Yes.

He was perfectly well known to your maſter?—Yes.

What is he?——A weaver, I believe.

You took no notice of the pieces that he brought?——Only that there were ſix pieces.

But you ſhould not know them again?——No Sir, I ſhould not.

How ſoon did Kelly come in?—He was in the room when I took them in.

Court to Jury. Gentlemen, there is no evidence to convict the defendant of being the receiver of theſe goods; the proſecutors will do in any future proſecution as they ſhall be adviſed.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

607. CHARLES

607. CHARLES SMITH, SOLOMON DIAS, EDWARD GRISWELL, and RICHARD DIAS were indicted for that they, together with one JAMES KEY, unlawfully did conspire to charge Richard Burridge with 1l. 15s. for rent for a shop, and distraining his goods, to wit, five hundred bound books, and other goods.

The Indictment opened by Mr. James, and the Case by Mr. Silvester.

RICHARD BURRIDGE *sworn.*

I am a bookseller, and dealer in bread, I rent a shop, which I took by a written agreement, between one of the defendants and me; I took it in August, 1782; I only rented the shop, I continued to occupy it as a shop, and he rented the house; on the 5th of January I went out after sunset, I had had a person came and enquired if Mr. Keys was at home, and I said I did not know such a person, neither had I ever heard of this Keys's name before; when I came home there was the defendant Griswell in possession; he said to me when I came in, is your name Burridge; I said, something like it; he said, he was in possession for rent due to James Keys, my landlord, and he said that Soloman Dias was the person that had sent him, and he pulled a writing out of his pocket, and read the name Solomon Dias, to distress upon me for a quarter's rent, due at Christmas last; he would not let me have it; I told him, that person was not my landlord; I went out that evening to speak to a friend or two, I returned again the same evening, I desired my friend to take notice that there was no inventory fixed up, and I asked two or three questions, one I asked was, what time Griswell came into possession; he said, about five that day; he said, this Mr. Solomon Dias was a Sheriff's officer, who lives in Dove-court, in the Old Jewry; in the course of that evening he began to sell my bread; I saw him selling my bread.

Mr. Garrow, Prisoner's Council. That is not to the charge.—He told me he was to see that nothing was moved off the premises. This agreement is a true copy of Mr. Smith's, there is his own hand writing for it.

Mr. Silvester. How many people came there?—I saw Mr. Griswell upon the premises; I spoke to him that night, but the next morning I saw Griswell there again, I did not see Mr. Smith upon my premises; but on Monday the 3d of January, Mr. Smith, and the Jew Keys, and another Jew also apparently, met me at the door in the street, and this Keys demanded my rent; I did not then know his name, I told him I did not owe him any; I says to Smith, I will pay you immediately; says Smith, I have let the house to this gentleman Keys; he was very mean in appearance, I assure you; they went over the way to the Golden Lion, and I went after them, and I tendered my rent to Mr. Smith, and not thinking myself safe, I returned a second time, and tendered my rent to Mr. Smith before a witness, which is here; the same day Mr. Smith came down stairs and shut the street door, I opened it, he returned and attempted to shut the door again, and said the house was his, and the door was his, and should be shut; and I told him the door was mine, and it should be kept open; he pushed me several times, and then he swore that the Jew should sweat me in a day or two.

What rent did they pretend was due from you to Keys?—One pound fifteen shillings.

Mr. Garrow Was you tried and convicted here?—I was tried in that other place.

What fine did the Court impose upon you?—A shilling.

Court. Gentlemen, there is no pretence for any indictment for conspiracy, he might have tried it by replevin or illegal distress.

ALL FOUR NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

The Seſſions being ended, the Court proceeded to paſs Sentence of Death, on the following Eleven Capital Convicts, viz.

Joſeph Sturmey, John Ivemay, John Honey, Samuel Yeldham, Peter Shaw, George Partridge, Mary Greenwood, Joſeph Brown, Thomas Baker Hopkins, otherwiſe Thomas Baker, Berwick Mayton, and Robert Jackſon; and thus particularly addreſſed Peter Shaw, "The crime of which "you have been convicted, is attended with "another, upon which though not directly charged in the indictment, the Court "cannot ſhut their eyes; from the evidence that has been in your caſe, there "is to much reaſon to fear, that the crime "you have been juſtly convicted of by the "law, was accompanied by another of infinitely greater malignity, and that in "order to poſſeſs yourſelf of that part of "your maſter's property, which you had "ſtolen, you did an act or contributed towards it, which tended to deprive him "of the greater part of his property, without benefit to you, and what is of much "more importance, to endanger the lives of "himſelf and his family; that offence of "the moſt atrocious nature, when committed by any perſon towards another, "is greatly aggravated by the ſituation in "which you ſtood, that of a ſervant, who "had obtained the good opinion and confidence of the family, and whoſe duty it "was to protect the lives and property of "that family from others, rather than to "deſtroy it yourſelf: under circumſtances "ſuch as theſe, the juſtice of your ſovereign forbids us to expect, that mercy "can be extended to you, and therefore it "doubly becomes you in particular to employ the little time you have left, in endeavouring to obtain that mercy hereafter, which juſtice and even humanity "muſt refuſe you here."

To be tranſported for fourteen years. 3.

Abraham Godin alias Gordon, Thomas Goldfinch, Samuel Roberts.

The following priſoners received ſentence of tranſportation to Africa for ſeven years. 2.

Eleanor M'Cabe, James Williams.

To be tranſported for ſeven years to ſuch place as his Majeſty ſhall appoint, 18.

William M'Ginnis, Francis Medcalf, Edward Johnſon, Humphry Ingram, Cha. Smith, Michael Manevil, Peter Mumford, Ann George, Ambroſe Ward, Nicholas Riley, Robert Irvin, George May, John Dorrington, William Lawler, James Fitzpatrick, Thomas Philips, John Ellis, Joſeph Fennell.

To be confined to hard labour two years in the Houſe of Correction, 2.

Ann Callaghan, Mary Morris.

To be confined to hard labour twelve months in the Houſe of Correction, 8.

Elizabeth Scott, Ann Davis, John Jennings, Lucy Brand otherwiſe Wood, Robert Tapley, Mary Allen, John Fennel, John Thomas Williams (in Newgate.)

To be confined to hard labour ſix months in the Houſe of Correction, 6.

Sarah Shelly, John Turner, Philip Martin, Elizabeth Smith, Elizabeth Northam, Sarah Wilſon.

To be branded, 4.

William Polters, William Tatham, Worſley Walmſlay, John Fennel.

To be Whipped, 8

Samuel Croſs, John Jennings, John Turner, William Burne, George Hooker, William Murphy, William Pike, William Dawſon.

Fined 1s, 1.

Mary Pearſon.

The following priſoners who had been ordered to be tranſported to parts beyond the ſeas, were brought to the bar and informed, their place of deſtination was Africa.

Luke Rogers, Andrew Simms, Alexander M'Donald, Robert Freeman, Dennis Hayes, Edward Humphreys, and George Franciſco.

And the following priſoners were alſo put to the bar, and informed that the place of their deſtination was changed from America to Africa.

James Gardner, William Cole, James Jackſon, Robert Nunn, John Richardſon, John Romain, Edward Jones, and Samuel Richardſon.

John Foſter, whoſe ſentence was reſpited laſt Seſſion, was fined 1s. and ordered to be impriſoned twelve months in Newgate from the time of his conviction.

*** The next Seſſions will begin on Wedneſday the 29th of June at the Old Bailey.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 29th of JUNE, 1785, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable FRANCIS BULLER one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable JOHN HEATH, one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*First Middleſex Jury.*	*Second Middleſex Jury.*
John Bailey	* Samuel Elliott	John Devall
John Johnſon	Joſeph Babb	James Jackſon.
Samuel Ferne	Thomas Price	William Yelverton
Ebenezer Clarke	Francis Thompſon	Iſaac Smith
John Swift	William Berry	Murdo Mackenzie
Robert Scratton	Thomas Brown	John Mandell
John Jones	William Jacobs	William Howes
Joſeph Lewis	† Edward Orgill	Jonathan Pratt
John Raymond	James Bell	Jacob Worthy
Thomas Garner	Ambroſe Watſon	William Manby
John Egerton	John Quick	William Turner
Thomas Warwick	James Bailey	John Barham.

* Thomas Brown *ſerved ſometime in the room of* Samuel Elliott.
† John Hooker *ſerved ſometime in the room of* Edward Orgill.
Joſeph Greenhill *ſerved ſometime on the ſecond Middleſex Jury.*

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608. RICHARD JACOBS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Edward Thompſon, about the hour of eight in the night, on the 10th day of March, 1784; and burglariouſly ſtealing therein, one ſilver milk pot, value 36s. two ſilver ſalts, value 30s. one ſilver pepper caſtor, value 10s. one pair of ſilver tea tongs, value 5s. five ſilver tea ſpoons

ſpoons, value 50s. ſix ſilver tea ſpoons, value 15s. one watch with the inſide caſe made of gold, and the outſide caſe made of green ſhagreen, value 50l. one pair of ſtone ſhoe buckles ſet in ſilver, value 30s. one pair of ſteel ſhoe buckles, value 3s. one ſilver purſe, value 2s. one crown piece, value 5s. two half crowns, value 5s. and one ſilver three-pence, value 3d. his property.

EDWARD THOMPSON *ſworn.*

I live at Iſlington, in a houſe of my own, which was broke open on the 10th of March, 1784, I was not at home when the robbery was committed; I have got ſome of the things again, which are here, the two initial letters of my name, and a creſt are upon them, they are all marked, and from thoſe marks I am ſure they are my property; I was within a little of home when the thieves went away, about a hundred yards from the door, I had been ſmoaking a pipe at a houſe in the Upper Street, I heard of the robbery at paſt ſeven o'clock.

In what part of your houſe were theſe things kept?——In different parts of the houſe, ſome were in the beaufet in the back parlour, we generally carry them up of a night, we make uſe of part of them every day.

Can you ſay you ſaw any of them that day?—They are brought down every day; my wife and my maid were in the houſe at the time the robbery was committed, no part of the houſe was broke.

ELIZABETH THOMPSON *ſworn.*

I am wife of the laſt witneſs, I was at home in the fore parlour, there was a gentle knock at the door, and before the door was opened they ſaid there was a letter, the door was opened, and in ruſhed four or five, I do not know how many men into the paſſage, four came into the room firſt, two ſtaid in the parlour with me, and two went up ſtairs; and they ſtole the things mentioned; then I ſaw them take this ſalt cellar, they went into the back parlour, to the cupboard, and took this milk pot, the ſpoons, and tongs.

Jury. Did you ſee the priſoner at the bar?—I think I do remember his face, but he was in the room but a very little time, he was one of them that went up ſtairs, I am as ſure as I can be to the beſt of my knowledge, I cannot ſay any further; I had an opportunity of obſerving the faces of thoſe that were in the room with me, but the priſoner went up ſtairs, I could not know them that went up ſtairs.

Court. Then you cannot ſpeak to the perſon of the priſoner?——No, I cannot, I ſaw them take theſe ſpoons, and the milk pot, I am ſure all this plate was in the houſe at the time they entered it, and there was a watch hanging by the chimney ſide, that was gone.

What is the value of that plate?——I do not know the value, let anybody value it.

What is the value of the watch?—Ten guineas, I believe.

ANN MARTIN *ſworn.*

I am ſervant to Mr. Thompſon, I was there on the 10th of March, 1784; a quarter paſt ſeven in the evening, there was a ſmall knock at the door, I was in the fore parlour with my miſtreſs, my miſtreſs ſaid, ſomebody knocks at the door, I went to the door, and before I opened it, I called who is there, and a man ſaid he had a letter of importance, which letter I have now in my pocket. (*Produced, being a ſheet of blank paper addreſſed to Miſs Young, Iſlington.*) With that I opened the door, and a man preſented the letter, I had a candle in my hand when I ſaw the direction I told him it was not for us or anybody in the houſe, and he did not give me the letter into my hand, but they all ruſhed in; and to the beſt of my knowledge, I always thought there were ſix, but it appeared by evidence upon the laſt trial there were but five; when they entered the paſſage, I ſhrieked out Lord Jeſus! we ſhall all be killed, and one of the men ſeized me by the throat, I cannot ſay who he was, whilſt

I was

I was leaning my back against the passage, I begged of them to let me go into the parlour; one of them had hold of one arm, and the other of the other, and they led me into the fore parlour, and my mistress shrieked out, and one of them had gags, and swore he would gag us; another man, a tall one, who has turned evidence, had a cutlass, and said he would cut her down; I saw more than four in the room, two of them left the room, and those that were left in the room, one had a pistol, and the other a cutlass; we heard the others up stairs in the rooms, pulling the drawers about; some time after that, a short man came down in fustian breeches and jacket, he was pock-fretted; he could not open the desk immediately, and he took the tongs and wrenched it, but what he took out I did not then know; this was in the back parlour.

Did you see the prisoner there?—I saw that man to the best of my knowledge among them in the parlour, for he struck me when I came here to-day, I have not seen him since; it strikes me he is the man that had the gags in his hands.

Do you imagine he is one of the men that stood in the parlour all the time?—No, he was not, I am perfectly sure of that, I should have known them three seven years after, I have not such a perfect knowledge of him, I have no great doubt of it.

Have you any?——I cannot directly say to the face of the man, but he is remarkably like the man in his make about the shoulders, I think he is the man that had the gags; I have not so striking a likeness of him as I have of the other three: the plate was always kept in a little round basket, what we used at dinner, and the child had got some of the plate out, and was playing with the basket; there was one salt-seller, and two spoons, and the old pepper-caster, the rest were in the back parlour of the beaufet.

JOHN SAYER *sworn.*

On the 10th of March, 1784, M'Donald, and I, and Grubb, and Young, were coming along Broad St. Giles's, at the end of Drury-lane, four or five men passed me. I was before M'Donald and Young, I passed them, and looked back to see if they offered to stop them, but they did not, by the lights of the tallow-chandlers shop I saw a bundle in the prisoner's right hand, I did not know him before, I immediately turned back and caught hold of him, I asked him what he had got there, he immediately swung it round to Ganby who was convicted before for this robbery; I catched hold of Ganby, but Jacobs had the plate in his possession still, he was taken and searched, as the others will tell you, Young had the plate, and he gave it the prosecutor; I saw the plate, but I did not mark it; Ganby had nothing but a pair of steel buckles, while we went to tell the prosecutor, and shew him this watch, which was likewise in the bundle which the prisoner had; the prisoner got out of the watch-house.

What time was it?—About nine o'clock.

Prisoner. I have nothing to say, my Lord, I understand these people will swear anything, they are swearing for the reward.

CHARLES YOUNG *sworn.*

About nine, in Drury-lane, the prisoner and three others were walking and talking, Sayer laid hold of Ganby, and took the plate out of the prisoner's hand, we put him in the watch-house that night, and took him before a magistrate, and while we went to Islington to acquaint Mr. Thompson, he broke out; this is the same plate, I marked it with a Y, and the mark is here now.

What is the value of that plate that lay there?—Twenty pounds.

DENNIS M'DONALD *sworn.*

I was with the rest of them, on the 10th of March, 1784, about nine in the evening we met the prisoner, and three men with a bundle; I took hold of the prisoner's coat, and he struck me; I went to search the prisoner's lodgings, and here is a check of his wearing apparel, and a ring; I am threaten-

threatened to have an action brought againſt me for the things.

Court. You may be very eaſy about ſuch actions as theſe; I have tried one or two of them at Weſtminſter, but they generally receive the fate they deſerve.

Priſoner. I have witneſſes to my character.

The witneſſes called, but none appeared.

GUILTY Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

---

609. GEORGE OLIVE was indicted for that he, about the hour of ſeven in the afternoon of the 9th of April laſt, at the pariſh of St. James's, Weſtminſter, a certain houſe of one Joſeph Parſloe, there ſituate, feloniouſly, voluntarily, and maliciouſly did ſet fire to, and the ſame houſe then and there by ſuch firing feloniouſly and maliciouſly did burn and conſume, againſt the ſtatute and againſt the King's peace.

A ſecond count, Charging it to be a houſe belonging to William Pultney, Eſq.

A third count, For that he, a certain houſe of Joſeph Parſloe, unlawfully and maliciouſly and feloniouſly did ſet fire to, againſt the ſtatute, and againſt the peace.

The Indictment was opened by Mr. Knowles; and the Caſe by Mr. Silveſter, as follows:

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, the priſoner at the bar was ſervant to Mr. Parſloe, who kept a ſubſcription-houſe in St. James's-ſtreet; and this is a caſe which muſt from the nature of it depend on circumſtances; it is neceſſary I ſhould lay all the circumſtances before you, that you may be enabled to judge whether they are ſufficient to convince you in your minds of the guilt of the priſoner at the bar. On Friday the 8th of April, the day before the fire, Mr. Parſloe had been bottling ſome wine, and he finiſhed it about nine; he ordered his porter to remove the ſtraw, and take it to a back part of the houſe, every thing was perfectly ſafe at that time; about ten, a ſervant was ordered to go down into the cellar for ſome beer, and he went without a candle, and at that time there was no light; ſome time afterwards he went down again for ſome more beer, without a candle; and then every thing was ſafe; the boy deſired the porter to lend him a candle to go and draw ſome beer for himſelf; ſays he I chooſe to have my beer cold; he took a candle, and went down into the cellar, and returned a few minutes after, and being aſked for the candle, he ſaid he had dropped it; the ſervants thought nothing then, but in a few minutes after they were alarmed with the ſmell of fire, and they found that ſome ſtraw had been ſet on fire, not in the beer cellar; and that ſome corks that were upon ſome prickles for bottles were conſumed: however, this was ſoon put out with ſome water; and the boy on going to bed was very inquiſitive among the ſervants, whether ſuppoſing his maſter's houſe had been burnt, it would have ruined him or not; ſays he, I ſuppoſe if it was burnt down, then he would be ruined, and then he muſt turn me over, he would have no buſineſs for me; that night they ſat up, but no more alarm happened; the next day in the afternoon, about ſix, or a quarter before, a Miſs Wheeler, the daughter of Mrs. Parſloe, and a Mrs. Murrel, another daughter, had been up ſtairs; for as this is a houſe in the public way, their apartments were up ſtairs; the laſt perſon that went up ſtairs was Mrs. Murrel; ſhe came down from her own room, and went into her ſiſter's room, for the purpoſe of ſhutting the windows; that was the room where the fire began; ſhe ſaid, ſhe would not ſhut the windows, and ſhe came down without a candle, and every thing was ſafe at that time; the boy at this time was very particular in his enquiries, whether all the family were at tea, and whether the ladies were at tea; they ſaid yes; and while the waiter was going to clean ſome glaſſes, he obſerved the boy

with a candle; he aſked him to lend it him; ſays the boy no, I cannot lend you the candle, but I will ſtand by you and light you; while he was in the act of cleaning the glaſſes, and this boy holding the candle, the bell rang, the waiter left the boy in this cloſet with a candle, and went into his maſter's room with a decanter which was called for; there are two ſtair-caſes to this houſe, and this boy ſtood at the glaſs-cloſet, near the two pair of ſtairs; the waiter having got the decanter carried it up the great ſtair-caſe, and when he got up the one pair of ſtairs, he met this boy coming down the two pair of ſtairs great ſtair-caſe without a candle; he was coming down in a great hurry, and went into the hall; in a very few minutes afterwards a cracking was heard in the room upſtairs, Miſs Wheeler's room, which had been left perfectly ſafe a few minutes before; the ſervants ſaid, what is that cracking, the boy immediately ſaid, there is a fire in my maſter's houſe? the fire was exceeding rapid, and the houſe was intirely conſumed. Gentlemen, theſe are the facts to bring this charge home to the priſoner; the magiſtrate thought proper to commit him, and you are to judge from thoſe circumſtances, and ſome others, of the guilt or innocence of the priſoner. Offences of this kind muſt always from the nature of the caſe depend upon circumſtances, becauſe if perſons are wicked enough to ſet fire to the houſe of another, they always do it with that degree of caution, not that they ſhall be ſeen in the very act; but if theſe circumſtances, when put together, are ſtrong enough to convince you that this boy was the perpetrator of the offence, you will ſay ſo; if not, I am ſure from the knowledge I have of you, you will do your duty in acquitting him.

JOSEPH PARSLOE *ſworn.*

I keep a tavern in St. James's-ſtreet, the boy was apprentice to our cook.

How old is he?—Sixteen or ſeventeen.

Priſoner. I am fifteen.

Proſecutor. On the Friday I was bottling ſome wine by the cellar, and there were ſome prickles ſtood there, and I ordered the porter to take them away, they were full of ſtraw, and I told the boy to light him, that was about eight; they were carried away, and the priſoner lighted the porter up the garden with them; I then went up ſtairs to clean myſelf, and about ten I had ſome bread and cheeſe, and about half after ten one of the maid ſervants came up, and ſaid the cellar was on fire; upon that we all came down ſtairs, and there were ſome people came, and I went down to the door that led to the cellar, and we kept the door faſt for fear it ſhould get a head, and the people went into the ſtreet and threw ſome water, and put the fire out, the fire was near to the cellar door.

[*The plan of the houſe and cellar ſhewn to the Court.*]

Court. Was this fire within the houſe?——Yes, by the paſſage leading to the cellar door.

What was on fire there?——There was corks in a baſket, and ſeveral bottles broke, and a paper bag; it was put out, and I and one of my daughters ſat up till four in the morning.

Court. Suppoſe nobody had ſeen this, were thoſe corks near any combuſtible matter, or any part of the houſe?—It was quite cloſe to the wall.

What was the wall built of?——Brick and plaiſter; there was a ſhelf which was ſtanding over the prickles.

What was the floor?——It was a ſtone floor.

Then there was no likelihood of this communicating to the houſe?——Yes, my Lord, there was an oil caſk ſtood very near it, with thirty-ſix gallons of oil in it.

How near?—At a very little diſtance.

What do you call a very little diſtance?—About three yards.

How long had it been there?——About two days; I ſtaid up till about four in the morning, and every thing was perfect ſafe.

Mr. Silveſter. After the ſtraw and the hamper had been removed, had any body any occaſion to go into that place?—No, it was ſhut up, nobody had any buſineſs there, they could go to it two or three ways.

Was the way to it through the beer cellar?——No, Sir.

Which way were they to get to it then? Look at this plan.

Mr. Garrow, Priſoner's Council. He can ſtate the fact without the plan; I know nothing of the authenticity of the plan.

Court. There is no occaſion to look at the plan.

Mr. Silveſter. Could they go to this place from the beer cellar?—Yes, on the Saturday I was drinking tea, between ſix and ſeven, and one of my daughters ſaid, I think I ſmell a ſmell of fire now, no ſays my wife, there is nothing but what happened laſt night; I opened my door and ſaw my houſe all in flames, in conſequence of which my houſe was burnt down to the ground.

Jury. Had you any words with the boy?—He ran away from me three times, he never made any complaint; I had no ſuſpicion of the boy, till I was informed by ſome of the ſervants, and I took him to the watch-houſe.

Mr. Garrow. I believe after the boy was taken up and ſent to the watch-houſe you was ſo good to ſend him ſome money?—I believe I ſent him a ſhilling.

There were many applications made to him whilſt he was in cuſtody, to confeſs that he ſet the houſe on fire?——Only myſelf, I went to him, and preſſed him a good deal; but he always ſaid he did not.

As to the ſituation of this place, it is a ſtrong arch, I take it for granted?—No, it is not an arch.

It is bricked then?——Yes.

It was at the diſtance of three or four yards from this oil?—Three yards.

Mr. Silveſter. I am deſired to aſk a fact, was this boy taken up by you before?——He had run away three times.

Had you chaſtiſed him, or puniſhed him in any way?—No, never, Sir, only told him to be a good boy.

WILLIAM WYNNE *ſworn.*

I was porter to the proſecutor; on the Friday before the fire my maſter had been unpacking four prickles of wine, I was told to take the ſtraw and the prickles up to the bottle-houſe, at the end of the garden, at a diſtance from the dwelling houſe, and the priſoner lighted me with a candle, and we returned back into the ſervants hall together with the candle; the priſoner went up into the kitchen, and I ſet in the ſervants hall till I was called to draw beer for my maſter's ſupper, which was about three quarters of an hour after, I had no candle with me, I drew it in the dark, and I did not obſerve any ſmoke or fire at all, I then went down into the ſervants hall again, a little while after the kitchen maid came down, and aſked me to draw her ſome table beer, I went and drew ſome, then I did not obſerve any ſmoke or fire, I had no candle then; ſhe took up the beer for her fellow ſervants ſupper, a little while after the priſoner came and aſked me to lend him my candle, to go and draw ſome table beer, I told him I had but a ſhort piece of a candle which was for the waiters to eat their ſuppers by; I lent him the candle and he took an ale-houſe pint pot to draw ſome beer, when he came back he had the candleſtick, but no candle in it; I aſked him what he had done with the candle, and he told me he had dropped it, it was a ſhort piece, hardly ſo long as my finger: the prickles were in a paſſage adjoining to the wine cellar, and to the beer cellar; about a quarter of an hour after this I was alarmed, the houſe-maid came down into the ſervants hall, and ſaid the wine cellar was on fire, I went to the door, and when I opened the door to go into the table beer cellar, I ſaw no fire there, it was in a paſſage that went into the ſmall beer cellar; there was a bag of corks at the top of a parcel of bottles that were empty and clean, to be filled with wine.

Mr.

Mr. Garrow. Had you aſſiſted your maſter in bottling wine that day?—No.

Had he a light?——He always has.

Had he more candles than one?—I cannot ſay.

You do not know where they were placed?——I do not.

What ſort of candleſtick did you lend the boy?—A tall iron one, with a ſpring to puſh it up.

Was the candle found?——We never looked for it, we could not go into the table beer cellar.

You was very much with this boy?—Yes, he was always a decent, ſolid, well behaved boy, I never ſaw no other but a very good character.

You never did find it at any other time?—No.

WILLIAM TAYLOR *ſworn.*

I went to bed between one and two, I got up at four, the priſoner ſlept with me; when I was getting into bed, he aſked me, in caſe this houſe was burnt down, whether he ſhould have had his diſcharge, or be turned over to any other maſter; I made anſwer, I did not know Mr. Parſloe's circumſtances, but I believed he would have been turned over to ſome other maſter.

Mr. Garrow. I take it for granted, you did not think this any way remarkable?——Not at all.

Natural enough for a poor boy juſt entering into his apprenticeſhip, to aſk what ſhould become of him if his maſter's houſe was burnt down?—Yes, Sir.

You knew this boy, what was his character?—I never ſaw anything vicious or bad about the boy, he was a decent, orderly, well behaved boy, always behaved well.

You do not recollect the exact expreſſions he uſed?—No, theſe are the higheſt.

Becauſe I obſerve there is a little difference between what you ſtate now; and what you ſtated before the Magiſtrate, you there ſaid, you told him no; now I aſk, whether at this diſtance of time, as you conſidered it a natural converſation, you recollect the exact words?—I really think I ſaid he would be turned over, but I cannot be ſure.

SARAH WHEELER *ſworn.*

I am daughter to Mr. Parſloe, the fire began in my ſiſter's bed-chamber, I ſlept in the front of the houſe.

How high?—Two pair of ſtairs backwards.

I underſtand there are back ſtairs, and fore ſtairs?—Yes, two pair of ſtairs.

Do the back ſtairs go up all the way to the front, or do you ſtop half way?—You may ſtop half way, there is a landing place up one pair of ſtairs which communicates to ſome rooms.

What hour was you laſt in your ſiſter's room?——I was not there at all, I was in the front of the houſe with my ſiſter, and we were called down to tea.

Court. How far was where you were from the bed chamber where the fire broke out?——Quite on the other ſide of the houſe.

In going down ſtairs did you paſs by your ſiſter's bed-chamber?——I did not, I went down ſtairs and every thing was ſafe, I had neither fire nor candle, the fire broke out about ten minutes after.

Mr. Garrow. I believe you had been to the play with your ſiſter that night?—Another ſiſter of mine was at the play-houſe.

Had you been aſſiſting that ſiſter to dreſs?—No, Sir.

Is ſhe here?——No.

Was ſhe examined before the Magiſtrate?—Yes, Sir.

How long had your ſiſter been gone to the play-houſe?—Sometime.

Is not there another ſiſter of your's, that was examined before the Magiſtrate?—Yes, Sir, Catherine Wheeler.

Do you know from any circumſtance whatever, that that ſiſter, Miſs Catherine Wheeler, had been in the room where the fire broke out, five minutes before the fire broke out?—No, Sir.

Court.

Court. Might she have gone up stairs again by another stair-case without your knowing it?——No, Sir, she was in the parlour the whole time.

You say your sister Catherine went down half an hour before you?—Yes.

In that half hour might not your sister have gone up stairs, and have come down again into the parlour?——I am sure she did not.

Why?—Because she has said so, and we must have seen her, it was very warm, and the doors were all open.

Mr. Garrow. You cannot affect to swear that she could not by possibility have been in that room without your knowledge?—Only by what she said.

How long was it after you went down to tea, which was half an hour after, that Miss Catherine Wheeler went down before the alarm of fire was given?—About ten minutes.

Mr. Silvester. During that ten minutes had your sister been out of the parlour?—No, Sir.

Prosecutor. My daughter was in the parlour at tea, I was with her all the time.

Mr. Garrow. Did not she dress to go to the house?—No, she went to the house to dress.

Was your sister before the Magistrate?——Yes.

Mrs. MURRELL *sworn.*

I was up two pair of stairs with my sisters, I was at work in the front bow room, where my sisters usually sit.

Which of them went down first?—My sister Elizabeth, and my sister Catherine, who are both in Ireland at this time, went down half an hour before I left the room. I came out of own room, which is over the room where the fire began backwards, I found my sister Sarah standing looking out of the window of the bow room.

Was there any fire or candle there?—Never any fire there till they go to bed.

Did you go to your sister's bed chamber? Not at that time, I sat down with her and folded up my work, I am very timorous going about the house it is a large awkward house, I am afraid of thieves, and I asked her to go with me, and she said she would not, I went up stairs, I went into my own room, I had been up very late with my father and I thought I would go to bed then, I thought again I would not, I would go down to tea first, so I put my room to rights, I usually lock my door, I turned down my bed, and came down the stair-case, and at the bottom of the stair-case is my sister's room door, which stood wide open, and the windows up to the top, close to the back stair-case.

Where does that stair-case lead to?——It leads to the ground floor to the parlour, where we drank tea; there is a little closet, there is a landing place and a window, but no communication: observing my sister's door open, and the windows open, I went into her room, and I put my head out of the window, and I thought the weather was more foggy than usual; I thought I would shut the window, but I did not as my sister is very fond of air; and I went down stairs.

Was it perfectly safe?—It was.

Court. How long was this before the alarm of fire?——I suppose not above ten minutes, or a quarter of an hour.

Mr. Garrow. The family usually sit and drink tea, and have their meals in that parlour?—Yes.

Which is close to the foot of the back stairs?——Yes.

HANNAH HOBCRAFT *sworn.*

I am a house maid to Mr. Parsloe; on the Saturday evening about half after six, I saw the prisoner, he asked me if his master and mistress were at tea, I said, yes, I believed they were, I asked him the reason why he asked me that question, he said, he wanted to go to see his mother unknown to his master, he did not ask after any other of the family to the best of my knowledge; the alarm of fire was in half an hour after; after he asked me that question, I did not see him for a quarter of an hour, when the alarm of fire was, he was in the servants hall,

hall, I do not know whether he had been out to his mother or not, he went out when the alarm of fire was, he went out to the garden, and came in again and ſet down for the ſpace of a minute, I do not know anything that he did in the garden, this room of Miſs Wheeler's looked towards the garden, there were ſome words paſſed between my fellow ſervant and him, but I cannot ſay what they were, he got up rather in a hurry and run towards the garden door the ſecond time and went out, I aſked him where he was going to in that hurry, he ſaid, there was a houſe on fire, I aſked him what houſe, and he ſaid our houſe.

Where was he ſtanding when he ſaid that?—He was out of the door about three or four ſteps.

Could he ſee this fire at the door?—Yes, he could.

Mr. Garrow. Was there any dog in the garden?——Yes, there was.

Whoſe buſineſs was it to feed that dog?——It was uſually the porter's, but this boy uſed to ſerve him at times.

Was the time you have been ſpeaking of, a uſual time to give the dog meat?—At times after dinner he uſed to go to feed the dog, he was in his working dreſs, he could not go up the garden without being ſeen if any one was looking out at the window.

His mother I believe is dead ſince he was committed?—Yes, I believe ſhe is.

She uſed to waſh for him?—I believe ſhe did, he was not waſhed in the houſe, the boy uſed to go to his mother to carry his linen.

Mr. Silveſter. How ſoon after he came in was the alarm of fire?——The ſpace of one minute.

Who gave the alarm?—I do not know, the alarm of fire was given by him I believe, the firſt alarm that I heard.

JAMES DAWKINS *ſworn.*

I am a waiter at this houſe, on Saturday evening about a quarter paſt ſix, as I was ſtanding in the paſſage leading to Mr. Parſloe's ſitting room, the priſoner came by me to the larder with a lighted candle, the glaſs cloſet is cloſe to the larder, where I was ſtanding between the back ſtairs and the hall ſtairs, and on his return I aſked him to lend me the candle, he told me he could not ſpare it, but he was not in a hurry, he would ſtop and light me, I aſked him whether he was in a hurry, he ſaid, he was not, he ſtopped there ſome minutes, I took away my glaſſes, and left him there; I do not know which way he went, it might be twenty minutes after that, that I ſaw him coming down the beſt ſtair caſe from the firſt landing without either candle or candleſtick.

How ſoon after you ſaw him was the alarm of fire?—I believe twenty-five minutes or half an hour, as near as I can ſay, where I left him was between the back ſtairs and the ſervants hall, I ſaw him afterwards coming down the great ſtairs, I do not know where he came from, he had no buſineſs that way; from the time that I ſaw him in the paſſage, to the time I ſaw him coming down the great ſtairs, was twenty-five minutes.

How long was it between your ſeeing him without a candle, and the alarm of fire?——Five or ten minutes.

Did you ſay anything to him?——Yes.

Court. When you firſt ſaw him with the candle, he was about his neceſſary buſineſs?——I believe he was, he had buſineſs in the larder, but he might have fetched anything without a candle.

Why, you wanted a candle yourſelf?—I could not ſee to wipe the glaſſes ſo clean.

Why, then it was neceſſary for him to have a candle?——When I met him, I aſked him where he had been, and he made no reply.

Mr. Garrow. What occaſioned you to leave off wiping your glaſſes?——To carry them into their proper place, then I carried a bottle of wine into the colonel's room, I went only once into the proſecutor's parlour; the larder and the glaſs cloſet, and the ſtairs, are cloſe by the parlour, you muſt go by all them to go to it,

room,

when the parlour door is open you may see the two ſtairs, in ſome ſituations of that room, there are frequent occaſions for the ſervants and others to go into that parlour.

The fire was very rapid?——Yes.

Court. When he was coming down the beſt ſtair-caſe, might he poſſibly be coming down from the parlour?——I met him on the one pair of ſtairs, on my left hand; you might go from the parlour door, but it was uſual for the ſervants to go on the back ſtairs.

The parlour is on the ground floor?—Yes.

JOSIAH DAVIS *ſworn.*

I am a waiter at this houſe, I was ill at the time in bed, which was at the top of the houſe, not the front of the houſe, there is a room between my room and the front up three pair of ſtairs; I heard nothing particular before the fire, nothing alarming; about five minutes before I heard the fire, I heard a perſon come along the paſſage from the place where they perceived the fire came, they went along the paſſage into the front room, and returned, and to my ear down the beſt ſtair-caſe; I could not ſee, I was on the bed, the alarm of fire to me was about five minutes after, the cracking of fire alarmed me firſt, I liſtened to it about half a minute, and I reſted myſelf on my pillow, and ſaw the ſmoke coming up, I went and looked down the ſtair-caſe, but I could not ſee down for ſmoke, I cannot ſay what room it came from.

Mr. Garrow. Have you ever given any particular deſcription of the ſound of that foot?—I thought it was a woman's ſtep, I could not particularly tell, it was not ſo heavy as a man's; I have deſcribed it to be the ſound of a woman's, or ſome other perſon not ſo heavy as a man; I had been in bed eight or nine days, from an accident; the priſoner knew I was ill, and knew where I lay, my room door was wide open.

How long have you lived at the houſe?—Almoſt three years, I have obſerved the boy's character and conduct; I never knew any blemiſh of his character, I had never any doubt of him before, I thought him an orderly well-behaved boy.

Jury. Did the boy ever bring you up any thing during your illneſs?—I do not recollect he did.

PRISONER's DEFENCE.

All I have to ſay is, I am innocent of the matter.

Court to Priſoner. Have you any deſire to explain any part of your conduct.

Mr. Garrow. My Lord, the boy has been ever ſince his confinement, very ill of a dangerous putrid fever, and therefore I think I ought to prevent his ſaying anything for himſelf, conſidering his ſtate of intellects.

JAMES RIDGEWAY *ſworn.*

I am a bookſeller, oppoſite Sackville-ſtreet; I have known the priſoner the laſt twelve months.

What has been his general character?—An attentive good boy; I have frequently heard him ſay that he had been ſent of meſſages, on account of Miſs Wheeler, that he deſpaired of learning his buſineſs, and wiſhed to leave his maſter.

EDWARD WYNNE *ſworn.*

I was a porter at the houſe; the general character that ever I heard and ſaw of the boy was a downwright good ſteady boy.

FRANCIS BEVILL *ſworn.*

I was porter one year and nine months, the boy's general character is as good a boy as ever came into a houſe, and minded his buſineſs as well as ever I ſaw, I nver ſaw any thing vicious about him.

——— VERRIER *ſworn.*

I was the cook; the boy was two years and a half under my immediate protection,

he deserved a very good character; very honest, nothing malicious, or wicked.

The Jury retired for sometime, and returned with a verdict

GUILTY Death.

The prisoner was humbly recommended to mercy by the Prosecutor and Jury on account of his youth.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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610. WILLIAM NOBLE, and WILLIAM COOK were indicted for feloniously stealing on the 18th day of May last, one silk gown, value 20s. one wooden trunk covered with leather, value 3s. the property of Sir Henry Thomas Gott, Knt.

SIR HENRY THOMAS GOTT *sworn.*

I sent a trunk directed to Sir Hugh Palliser, by my own carriage, and by my own servant, who is not here, from Bucks to London.

——— EKER *sworn.*

I am the Greenwich coachman, I took the trunk at Charing-Cross, and tied it behind the coach, and drove it to Greenwich; it was directed to Sir Hugh Palliser; I delivered it to Bright the hostler.

——— WRIGHT *sworn.*

Where did you get the things first?——At Garden-stairs, Greenwich, I was waterman; the two prisoners came down and called oars, and the two prisoners brought the trunk into the boat, and desired me to row them up to London as fast as I could, for they were going to the Liverpool stage; and they said, if I rowed hard they would give me something more for my fare; they thought I did not row fast enough; I put them on shore at Ratcliff-cross, and they took the trunk with them, and put it into a coach.

(*The trunk deposed to by Wright.*)

It never went out of my sight.

What became of it afterwards?—It was carried up to the office directly the alarm was made of stop thieves; as soon as I heard that I took hold of Mr. Noble by the collar; Master, says I, you have stolen this trunk; he had got up to the coach, and was putting it into a hackney coach, there was but one on the stand, at the same time the people came running up the street, and made the alarm of stop thieves; he was taken directly.

Prosecutor. I nailed the direction on myself, and the direction was torn off.

Coachman. This is the same trunk I received, I know it by the mark; I cannot say I know either of the prisoners, I did not see either of them that day, it was the Wednesday after Whitsuntide, I left the box at Greenwich with the house-keeper Thomas Bright, he was to carry it to Sir Hugh's.

Mr. Garrow, Prisoners Council. Can you read?—No.

CHARLES BOWEN *sworn.*

I was at Greenwich, at Garden-stairs, and I saw two men come down with a trunk, I never saw them before, I know them now extremely well.

Do you see them any where?——Not without they are any where nigh hand.

Look about and see if you see them?—I cannot see them.

Are you short sighted?—No, my Lord.

And you cannot see them any where in Court?——No.

Look about?——I believe that is one.

Do you see the other?——Oh! that is the other; he was in an old green coloured coat.

Are you sure these are the men?—These are the two men I am positive of it.

Did you take any notice of the trunk?——Yes, a kind of an old hair trunk, or leather.

Was it smooth leather or hairy?——I had not so quick a sight of it as to know whether it was all hairy or no.

Look at the trunk?—Here is my mark, that I marked upon it in the office before Juſtice Green and Juſtice Staples.

Court. That is after they were taken, where were they when you firſt ſaw them with the trunk?——The firſt I ſaw of them was at Garden-ſtairs, they put into the boat immediately, and went towards London.

JOSEPH MOTT *ſworn.*

I was ſtanding at Garden ſtairs head, and the priſoners came down with the trunk and took a pair of oars, and went towards London.

What ſort of trunk was it?——It was leathered over and laſhed with a cord, there were no directions when I ſaw it, but there had been a piece of twine where there had been a direction tore off, by the account the people gave, it was the ſame, we got ſight of them as they were croſſing the water, and we juſt got on ſhore at Ratcliff-croſs, as one end of the trunk was in a coach, and the waterman had hold of the other.

THOMAS BRIGHT *ſworn.*

I am the hoſtler at Greenwich, this man gave me that trunk, I ſaid to that priſoner Noble, be ſo kind to lend me a hand up with this trunk, and the other priſoner was within-ſide of the bar, and I took the trunk out, and he helped me out with it, and I took it and went away; I took it I belive it might be a dozen yards, I ſet it down at a ſhoe-maker's ſhop, I left it there and ran down for a barrow, when I came with the barrow the trunk was gone.

Whoſe care did you leave it in?——Nobody's at all, I left it up againſt the houſe.

PRISONER NOBLE's DEFENCE.

This trunk was in the highwway, I was going to take it to the Cuſtom-houſe.

Mr. Garrow. Did they give this account when they were taken up?——Yes; Mr. Noble ſaid that immediately when he was taken up.

The priſoner Noble called two witneſſes who gave him a good character.

The priſoner Cook called three witneſſes who gave him a very good character.

BOTH GUILTY.

Each tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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611. JOHN REBOULT *alias* PRESCOTT was indicted for feloniouſly aſſaulting Edward Henry Jump on the King's highway, on the 2d of May laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one gold watch, value 10l. 10s. two ſtone ſeals ſet in gold, value 3l. 3s. one gold hook, value 5s. one ſilver tooth-pick caſe, value 5s. two guineas, value 2l. 2s. and three half guineas, value 1l. 11s. 6d. his property.

EDWARD JUMP *ſworn.*

I was robbed on Monday the 2d of May, about half after three in the afternoon, I was going down to Enfield from London, I was ſtopped in a lane at the back of Hornſey wood, I believe it is called Hornſey-lane, by three men, the man at the bar is one.

Can you ſwear to him poſitively?——I did and do.

Be cautious?—I am very cautious, I am ſure it is him, it was about half after three on Monday, it was a very bad road, and I was walking my horſe down hill, and about twenty yards before me I ſaw three men in ſailors apparel, I did not conceive them to be footpads, but rather thought them to be three men loitering about, I did not ſuſpect being ſtopped at that time of the day, when they came near to my horſe's head the priſoner who was in the middle, gave the others a ſhove with his elbow, as I thought for me to go through them, which I en-

I endeavoured to do, and they every one ſprang upon me, one on each ſide of me, and the other at my mare's head; I aſked them what they wanted: the priſoner firſt ſaid, damn your blood, give us your watch and money; upon which he immediately laid hold of the chain of my watch, and attempted to pull it out of my pocket, which broke the chain; not finding it poſſible to get my watch out of my pocket, he immediately ripped my breeches open.

Did he draw a knife?—The left-hand man held a cutlaſs to my head, and the priſoner immediately took the watch out of my pocket, and I gave him my purſe; on the other ſide the man with the cutlaſs put his hand into my pocket, and took out a large tooth-pick caſe, for which I begged very hard, as I had had it many years, but he ſwore at me, and would not return it: before they had got twenty paces from me, they turned round again, ſwearing they would murder me if I did not go along, upon which I was determined to purſue them, I met a ſoldier, and he went back with me; when we got to the top of the hill, we ſaw them croſſing the field.

At what diſtanee?——About one hundred yards from the lane, the man immediately got over the gate, and purſued them, and I went to have leaped the gate after them, but he thought it was rather wrong to do that, and I rode on as hard as I could ride, at Newington-green I met a gentleman, with his ſervant, and we both rode after them; I went to Sir Sampſon Wright's office, where I gave intelligence: they were not taken up till the Friday week afterwards; it was on a Monday that I was robbed, I ſaw them on that day fortnight; the priſoner was with two more.

Have you any doubt of the other two men?——I am very well aſſured they were not with him at the time I was robbed.

How many minutes did the robbery laſt?—I do not ſuppoſe it was five minutes; I took particular notice of them, though I had not an idea of what they were going to do.

Priſoner. There is no occaſion for me to aſk any queſtions, as the gentleman is ſo poſitive that I am the perſon, there is no room to aſk any queſtions.

Proſecutor. I loſt a gold watch, valued at ten guineas, and the other things in the indictment.

WILLIAM PLEASE *ſworn.*

I am a weaver, I know nothing of the robbery: I have a houſe at Horneſey, and in going down with my wife, we met three men, of which the priſoner was one; this was the 13th of May, they ſuffered us to paſs, and when we had paſſed them I met Mr. Wilmot, who had likewiſe paſſed them, by ſome ſuſpicions I had, we went in purſuit, and took them, when we rode up to them, they turned round, and aſked us what we wanted, and the priſoner pulled out a piſtol, and held it ſo, under his thigh, and I immediately pointed mine at him; upon which he threw it into the water, and we found a piſtol and cutlaſs in the water.

PRISONER's DEFENCE.

I am as innocent as the child unborn; though the gentleman has ſwore ſo poſitively to me, I leave myſelf to the mercy of this Court: I did not expect my trial ſo ſoon, my witneſſes are not here.

GUILTY Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

Mr. Pleaſe. My Lord, I beg leave to mention, that at Sir Sampſon Wright's the keeper of the gaol of Berkſhire told us that this man had broken out of Berkſhire gaol, with others, and that this man had prevented the others from hurting him, and had ſaved his life: I thought proper to mention this.

612. THO

612. THOMAS BAILEY was indicted for burglariously and feloniously breaking and entering the dwelling house of Henry Bates, Esq; about the hour of two in the night, on the 29th day of May last, and burglariously stealing therein fifteen silver table spoons, value 6l. twelve silver desert spoons, value 30s. two silver gravy spoons, value 30s. one metal candlestick plated with silver, value 2s. one metal dish cross plated with silver, value 2s. nine desert knives with bone handles, value 4s. nine desert forks with bone handles, value 4s. one mahogany case, value 2s. one silver tea spoon, value 1s. his property.

HENRY BATES *sworn.*

On the 29th of May early in the morning, about six or seven Mrs. Ellrson, my mother-in-law, knocked at my door and informed me the house had been broke open in the night and robbed of divers things; I have a catalogue of the things that were lost, *(describes them)* I missed the things on the 29th in the morning, I saw them since at the magistrate's, M. Justice Abington's, Westminster, there is my cypher and crest on the candlestick and spoon, I swore to them before the magistrate. *(The things produced and deposed to.)* The prisoner was my footman for three months, and he behaved extremely well, I had an extraordinary character with him, he had left me about three or four months.

SARAH ELLISON *sworn.*

I live in this family, the prosecutor is my son-in-law; on Sunday morning the 29th, I was coming down stairs a little after five in the morning, it could not be later than half past five, and I found the wind blew very strong up the stair-case, from which I imagined there must be doors or windows open, as I came to the first floor I saw the back door of the dining room on a jar, on opening that door I found the sash up to the top, this dining room is on the one pair of stairs.

Court. Is there any possibility of getting to the window but by a ladder?—I looked over the bannisters and saw the back yard door wide open, upon that, I imagined somebody had broke into the house, I went and called the house maid, the spoons were kept on a side-board in the knife case in the fore parlour, which is on the ground floor, it shuts with a pulley; we then went into the garden, and looking up to the window, which I saw open up stairs, there was a ladder fixed against it, our own ladder, all the things mentioned in the indictment were missing from the side-board; I saw the things a very little while before, but I cannot recollect whether I saw them the day before, I saw them at the justices, and I knew them to be the prosecutor's property.

(The things deposed to.)

HANNAH JONES *sworn.*

On the 28th day of May I lived with Mr. Bates, I was there on the Saturday night, on Sunday morning the things were missing, I was the last up in the house, I went to my mistress between twelve and one, which was the usual time, and she asked me if every thing was safe, I said yes, she told me to put the shutters to, and I went down stairs and put every thing safe, I shut up the sash window of the back dining room about nine the night before.

Are you sure the sash was down before you put the shutters to?—Yes, there was no fastening at all upon it, it was only down; then I put to the shutter, there are no others windows of this room, all the other windows were shut up, I cannot say that I shut them all up, but I saw them all shut up at the lower part of the house, I saw the doors all fastened, and the door of the back yard was locked that night and bolted; but I cannot speak to the upper part of the house, these things were kept on the side board in the fore parlour.

When did you see them last?—I cannot tell in particular, I saw them very lately so far as my knowledge, I think they

they are my master's property, I cannot judge of the mark because I am no scholar. Were there any such things in the house?——Yes.

Mr. Bates. This individual candlestick was in that room that night, it formed a kind of ornament upon an India cabinet, and used to be kept there in general.

WILLIAM PHILIPS *sworn.*

I am footman to Mr. Bates, on Saturday the 28th of May, I went out with a great many messages; I went to bed between ten and eleven, I went out into the yard, about half after eleven, I pulled the spring lock and put the key in my pocket, when I returned I unlocked the door, and shut it again, and double locked it and bolted it, the front door was double locked, it has a little chain; between five and six I was called out of bed, and informed the house had been robbed; I saw the sash thrown entirely up, I went into the back yard, and saw a ladder which we usually have in the back yard, I went into the parlour, and observed that the spoons were all gone out of the two cases, and one of the cases gone, the day preceding I had seen all the spoons, they were usually kept in the front parlour, I missed them from thence.

(Deposed to.)

JOSEPH ELLIOTT *sworn.*

I am one of the patrol belonging to St. John's, Westminster; on the 29th of May on Sunday morning about a quarter before two, my partner Thomas Birket and I, saw a man coming along Tothill-fields, at the distance of forty or fifty yards, I imagine this is about three quarters of a mile from the prosecutor's house, he was alone, he was going towards the willow walk, Chelsea, that is from Mr. Bates's house; I gave my partner a nudge and set off after him, and got near him before he discovered me, as soon as he discovered me, says he, which is the way to Chelsea, says I, what have you got there, says he, what I have got is my own, he had this dish cross under his left arm, so I pulled my pistol out, says I, if you move or stir I will give you the contents, with that I caught hold of him by the collar, he made no resistance, just then my partner came up, and we brought him to Mr. Carey's door; and I said to my partner, let us search him, for I thought the cross under his coat was a pistol; says he, I will not be searched, with that my partner put his hand into his right hand coat pocket, and I put my hand into the other pocket, he began struggling, and jumped out of our hands, and Birket in taking the spoons out of his pocket, tore away a part of his coat, I saw him take out the spoons, but I cannot be sure to the number; he was then going to leap across a ditch, which is twenty or thirty yards off, and I caught hold of him by the coat, and pulled him down in the ditch, and got upon him with my knees, and hallooed out murder! two or three different times; Mrs. Carey was looking out of the window, and my partner having the property in his possession, I said, here is a man coming up the road, take care and keep what you have; then Mrs. Carey called Mr. Carey, and he came and assisted me to secure him, and we took him to the watch-house; I never lost sight of him till he was committed, I am sure the prisoner is the man.

Court. Are you sure as to the time?—It was as near as possible a quarter before two.

THOMAS BIRKETT *sworn.*

I assisted in taking the prisoner, we saw the cross under his coat, which we took to be a pistol; he refused to be searched, we searched him, and took out a quantity of spoons, I cannot say how many, and we found all but these which was picked up afterwards by Mr. Carey.

What time was it?——About two on Sunday morning, these are the same things, we put a seal on them directly; the prisoner is the man, he was never out of my sight.

JOB

JOB CAREY *sworn.*

I live in Tothill-fields, I keep the Three Ditch Casters; between one and two my wife was walking in our room, and I was asleep, and she came to the bed side and waked me, and told me the patrol wanted help to take a thief; I jumped out of bed and opened the chamber door, and ran down naked as I was; I opened the street door, and I saw a man standing on a box, which I have by my door for company to set on and drink in, that was Birkett, and I said to him, what is the matter? says he, Mr. Carey, run for God's sake! for we have got a thief, and we cannot manage him; says I, where are they, says he, they are run out into the fields, I went and when I run about nineteen or twenty yards from our door there is a ditch, when I came to the ditch side, I saw two men in ditch tussling, that was the prisoner at the bar, and the patrol Elliott.

Jury. Had the prisoner any arms?—No, I jumped in upon them, and assisted to secure the prisoner, and Elliott tied his hands, then I took him by the two legs into my arms, and these two things shook out of some of his cloaths; I saw three or four of these spoons taken from him.

Prisoner. I have nothing to say, I have nobody to my character.

GUILTY, Death.

He was humbly recommended to mercy by the Prosecutor.

Tried by the first Middlesex Jury before Mr. ROSE.

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613. JAMES JONES was indicted for feloniously stealing, on the 18th of May last, one linen handkerchief, value 1s. the property of Hugh Glenny.

HUGH GLENNY *sworn.*

Opposite St. Andrew's church, Holborn, I was told my handkerchief was gone, I looked and found I had lost it, I had seen it not two minutes before, and had it in my hand; the handkerchief was found in his apron, I took it from him.

——— CAMPBELL *sworn.*

I saw the prisoner pick the prosecutor's pocket, there were six of them, they came up and walked up very orderly in pairs, and I saw that boy take the handkerchief.

PRISONER's DEFENCE.

I was going up Holborn, and there were two young men picked a gentleman's pocket, and chucked it into my apron.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. ROSE.

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614. JOHN MORLAND was indicted for feloniously stealing, on the 26th day of May last, one silk handkerchief, value 3s. the property of Noah Le Crass, Esq;

NOAH LE CRASS Esq; *sworn.*

I perceived somebody rub against my right hand coat pocket, upon which I put my hand into my pocket, and found my handkerchief was gone; upon which I turned and found that boy close to me, he was on the right side of me, from which I lost my handkerchief; I taxed him with my handkerchief, I looked under his coat, and there was my handkerchief, it is a silk handkerchief.

(The handkerchief produced by the constable and deposed to marked N. L. C.)

WILLIAM WISEMAN *sworn.*

I am a fishmonger, I was going through Grocer's-alley home, and in Dove-court, I saw the prisoner run down the alley against the wall, and the prosecutor said, you have got my handkerchief, he denied it, I saw the gentleman take it out of his bosom,

bosom, then I collared him, and carried him to the Compter, I gave the handkerchief to the constable, and I saw the mark before it was given to him.

JOHN MAJOR *sworn.*

I am constable of Portsoken ward, this handkerchief was delivered to me, I have had it in my care ever since.

PRISONER's DEFENCE.

I was going down to my mother's, and there were two boys after that gentleman, and as I was coming through Grocer's-alley, the two boys picked his pocket, and I went up to tell the gentleman, and the gentleman took hold of me.

Court to Prosecutor. Were there any other boys near?—Yes, there were, but this boy was close to my pocket.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. ROSS.

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615. THOMAS SAWYER was indicted for feloniously stealing, on the 1st of June last, six pounds weight of Tobacco, value 2s. the property of our sovereign Lord the King.

And RICHARD WHITE was indicted for feloniously receiving the same, knowing it to be stolen.

(The case opened by Mr. Shepherd.)

SAMUEL WARD *sworn.*

I am a noon tender of the port of London to attend two hours on the keys and take all charges, during the tide waiters and weighers absence, I was upon duty on the 1st of June, at Ralph's key, at the tobacco scale; I saw the prisoner White several times without the scale, attending that day, the prisoner Sawyer was employed at work that day as a cooper, and I saw Sawyer have some tobacco in his bib, and I saw his pockets stick out very much, I followed him to the Dice, a publick house where White was sitting in a box, and I saw him take out this tobacco out of his pocket and out of his bib, and tie it up in this cloth and give it to White, it has been in my custody ever since, only one night it was left at the Poultry Compter, with the keeper.

Court. If he is not here you cannot identify the tobacco?——White weighed the tobacco by a little pair of steel-yards, then he put it down on the ground, then I said to White, hand me that tobacco.

Court. You heard no conversation pass then between White and Sawyer?—No, my Lord, I saw him give it him, White threw it over the settle to me, and said damn you, if you will have it, take it; I took it up, I directly took him to the Compter, Sawyer made out of the public house, I have seen him on the keys for this year and half.

Prisoner Sawyer. He went into the house with me, I asked him to go and drink a glass with me.

JOHN SANDGRAVE *sworn.*

I am an extra weigher, I was there on the first of June, I saw the two prisoners at the Dice house on that day, I saw Mr. Sawyer on the key, at work at the tobacco scale, I cannot say I took any particular notice of him at the public house, I saw nothing pass between the two prisoners, I saw such a bundle as this on the table at the public house, I followed Mr. Ward in, I saw him look at the table, and there was some such bundle as this, I cannot speak to the bundle particularly; I did not hear any words pass between them, but I saw White chuck it over the settle to Mr. Ward.

SHADRACK BLANN *sworn.*

I am an extra weigher, I was upon duty on refuge, at the Dice key, on the first of June, I saw Mr. White there, and I saw Sawyer at the Dice, on Dice key; Ward sent me for a constable, but I could not find

find one, and I assisted Ward to take White to the Compter.

EDWARD DAINTREE *sworn.*

I am one of the constables of the key, damaged tobacco is put into tar and water and soaked, and carried to be burnt; that is the practice of it, it should be so, that is our instructions.

Court to Jury. Gentlemen here is no property proved at all.

BOTH NOT GUILTY.

Court to Prisoner. Now you have both escaped, it should be known in future in and about the keys, that it is a very bad practice to take this damaged tobacco in this manner.

Tried by the London Jury before Mr. Justice HEATH.

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616. MICHAEL ROCHFORD was indicted for feloniously stealing, on the 20th of May last, one muslin handkerchief, value 2s. the property of Benjamin John Roberts, Esq.

BENJAMIN JOHN ROBERTS *sworn.*

I am a reduced Captain of the army, I lost my handkerchief about the 20th of last month, near the corner of Shoe-lane, before dinner, I do not know exactly the time of the day; I saw it in the hands of the prisoner immediately after I lost it, he turned round, and a boy ran from a silversmith's shop, and told me my pocket was picked; the prisoner ran, I ran after him, he took the handkerchief from out of his breeches, and pushed it to a girl, it dropped on the ground, the prisoner pretended to be drunk; a number of respectable people were by and extorted a promise from me, that I would prosecute him; it was a muslin handkerchief.

PRISONER's DEFENCE.

I picked up this handkerchief.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Justice BULLER.

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617. WILLIAM SPARKS was indicted for feloniously stealing, on the 18th day of June, 12lb. weight of tobacco, value 9s. the property of persons unknown.

NICHOLAS BUNTON *sworn.*

I am a watchman, I stopped a man with this bundle; I asked him what he had; it was half past eleven; he would not resolve me, but said I might see if I would, accordingly I took him with the bundle under his arm, to the watch-house; he never made any resistance against me; I never saw him before.

RICHARD BRINKWORTH *sworn.*

The watchman brought this man in with this tobacco; I asked him how he came by it; he said he was hired by a person at St. Mary at Hill to carry it to his house; the tobacco was wet, it appeared to have been taken out of the tar: I found there was such a man as the prisoner described, but his wife said he was gone abroad.

PRISONER's DEFENCE.

The person that hired me his name is Mordecai Hendricks.

The prisoner called one witness, who gave him a good character.

NOT GUILTY.

Tried by the London Jury before Mr. Justice BULLER.

618. THO-

618. JAMES OATES was indicted for feloniously ſtealing on the 23d of May, forty-eight glaſs quart bottles, value 10s. the property of John Carbonell, Charles Moody, and Thomas Walker:

And THOMAS LOWTHER was indicted for feloniously receiving the ſame knowing them to be ſtolen.

THOMAS WALKER *ſworn.*

I am a wine-merchant, partner with John Carbonell and Charles Moody, in King-ſtreet, Golden-ſquare; the priſoner Oates was a porter, with three more, his buſineſs was chiefly to go out with a horſe and cart; we have for this laſt twelve months paſt had a great decreaſe in our bottles, when we took ſtock, we had 3000 dozen of empty bottles; they decreaſed very rapidly.

EADES SUMMERS *ſworn.*

I am cellar-man to the proſecutor; I know nothing of the loſs of the bottles. On the 27th of May, I was called upon by Juſtice Hyde's men to ſearch ſome ſuſpicious bottles, and in Lowther's houſe we found theſe two bottles, which I challenged as being marked exactly like ours, with an A. I think they were in the cellar, as far as there is a poſſibility of ſwearing to a mark, I can ſwear to this.

Mr. Keys, Priſoner's Council. Is it poſſible at all to ſwear to them?——I do not know there is any other mark that is the ſame, it is an A.

Will you venture to ſwear that that bottle was ever in your houſe?——I can ſwear no more than to the mark.

I believe Lowther is a dealer in bottles?——He keeps a bottle ſhop.

Court. How long have you uſed that mark?—About two years.

Jury. Is there any other mark?—There is no other mark.

——— JENNIWAY *ſworn.*

I recollect the priſoner Oates, I have ſeen him in my own ſhop, I live in No. 8, Charles-court, St. James's ſquare, I recollect he brought me a few bottles, ſome time paſt.

When was that?——To the beſt of my recollection, it was about five or ſix months ago, I bought a few of him, my huſband is a broker.

Who did he uſe to come in company with?—By himſelf.

Mr. Peatt, Council for the Priſoner Oates. Do you know anything of this fact?—No, Sir.

GEORGE HUGHES *ſworn.*

Do you know Oates?——Yes.

Mr. Keys. I believe you are an accomplice?——Yes, as I was coming from the Prince of Wales's one day with the priſoner who was a cargman, he ſtopped the cart on the way, and ſaid take this prickle, and carry it to that court, and ſet it down at Jenniway's door, and do not mention a word, ſo I did.

Court. Whoſe bottles were theſe?—We had carried ſome full bottles to the Prince of Wales's, they were my maſter's bottles.

Mr. Keys. Did you look at them?—No, I did not pack them up.

Proſecutor. The Prince of Wales's bottles are not marked, it is only his Majeſty's bottles that are marked.

PRISONER OATES's DEFENCE.

Pleaſe you my Lord, that is wrong, I went home with the firſt load myſelf, and when I came back I miſſed two of the prickles, but I believe George and another had taken them away.

(The proſecutor wiſhed to call another witneſs, but Mr. Peatt objected to calling any more witneſſes after the proſecution for the Crown was cloſed, and the priſoner put on his defence.)

The priſoner Oates called three witneſſes who gave him a good character.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 29th of JUNE, 1785, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS UPON THE KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

619. THOMAS SMITH and HUGH NANGLE were indicted for feloniously assaulting Christian Davis, spinster, on the King's highway, on the 13th of June, and putting her in corporal fear and danger of her life, and feloniously taking from her person, and against her will, two linen handkerchiefs, value 6d. one pen-knife with two blades, value 6d. one stone handkerchief-pin set in base metal washed with silver, value 6d. one silk housewife, value 2d. one small linen bag, value 1d. one box, value 1d. and six copper halfpence, value 3d. her property.

The prosecutrix not appearing, the prisoners were

BOTH ACQUITTED.

620. CATHERINE MOLLEY was indicted for feloniously stealing on the 6th of May last one looking-glass in a wooden frame, value 5s. four pictures painted upon canvas, value 8s. five china coffee cups, value 2s. one china pint mug, value 1s. one japan box and stand, value 1s. and one glass case in a mahogany frame, value 1s. the property of John Thorne.

JOHN THORNE *sworn.*

I lost the things mentioned in the indictment, I do not know when they were taken, it is about six weeks since I missed them; the prisoner was my servant, she left me to go to lay in; she took lodgings for that purpose in York Buildings; she used to come and use me very ill, called me old rogue, scoundrel, and villain, because I would not take her in again I suppose. I had only bid her go about her business; I have lived in that house going on sixty years; I had a warrant for her to take her up, to make her give bail for her better behaviour for the future.

Mr. Garrow, Prisoner's Counsel. I fancy I shall make an end of this business, by a word or two with this old gentleman; you thought it was a good thing to get her bailed, when you had her?—I had nothing but honour and honesty in me.

That is certain, my old buck!—She had left my service about a year and a quarter.

How many of your apprentices boarded and lodged with her by your desire?—There was one, and I gave a bond to his relations that he should be at liberty at five years.

That is, in defiance of law, and in spite of the indentures, you gave them up in five years; did not this young man, your apprentice live with her?—He did live with her, he cohabited with her.

Is not she a married woman?—I do not know that.

What do you believe?—He lay out of my

my house, and lay with her; no more of my apprentices went there; here is one that went backward and forward.

So that a year and a half after you took her up for stealing these things; was you there when they were found?—The constable told me they were in a public room.

——— DUPREE *sworn.*

I am servant to Mr. Thorne, I have been out of my time between three and four years; I saw the looking-glass, the pictures, and the china; I knew them to be Mr. Thorne's property, because the pictures had hung all my apprenticeship in my room.

Do you know who took them away?—No.

Mr. Garrow. What sort of pictures were these?—Old pictures.

What might be the value of them for another purpose but keeping out the wind?—I do not know; I had been at this woman's house to get the apprentice to work, he used to board and lodge there.

PRISONER's DEFENCE.

I have witnesses where I bought some of these things, and he has had my sheets and blankets, and some of my blankets remained upon the apprentice's bed.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

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621. FRANCES ANDERSON was indicted for feloniously stealing on the 10th of June, one gold watch, value 10l. one gold chain, value 5l. one cornelian stone seal set in gold, value 10s. one topas seal set in gold, value 5s. one steel hook, value 1d. the property of John Hill,

JOHN HILL *sworn.*

I am a housekeeper in Margaret-street, St. Mary-le-bon parish.

What is the prisoner at the bar?—A woman of the town.

Where did you meet with her?—In Bond-street, I believe it was the 10th of this month, between eleven and twelve at night; I went with her to a house in Oxford-buildings, and coming out of the house she took hold of my arm, and walked with me into Oxford-street, then the patrol came up and laid hold of her, he called her a brimstone, and swore she should go with him.

Had you been drinking?—Not too much.

How much had you drank?—I believe I had drank part of a bottle of wine, on returning we came back to the house again, and the patrol would not let her go in, he said I might go in; her reply was, that she would not quit me; I wanted to know the hour of the night, and looking for my watch, and not finding it, I said I missed it; I had no sooner pronounced the words, I had missed it, then I saw it in the prisoner's hand, and the patrol seized it; I have some doubt remaining with me of the prisoner positively meaning to keep the watch.

Mr. Peatt, Prisoner's Council. I will ask you one question; did the prisoner immediately upon your speaking of the watch, say here it is, or to that purpose; did she conceal the watch?—No.

Court. Then it is too much to say this is a felonious taking.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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622. ROGER M'GUIRE was indicted for feloniously stealing on the 18th day of May last, twenty callico shirts, value 30s. and two pair of boots, value 4s. the property of Nathaniel Wright,

JONATHAN THOMAS *sworn.*

I am a glover and breeches-maker; on the

the 18th of May twenty callico shirts were left at my house by a strange boy, as nigh as I can recollect about six in the evening, he said they came from one William in the city; he took away the bag in which they were; the night following the prisoner came, and I asked if he sent any callico shirts the evening before; he said yes; and he desired I would dispose of the shirts, which he had bought at a sale at Margate, at the Custom-house, for he had not time; he changed his name from Roger to William by his mistress's desire; I knew then he was in Mr. Wright's service: I said I would do what was in my power; but I said, could I be safe to sell them as they were smuggled, and he said yes, for they were marked with the Custom-house mark; the next day I took four of the shirts to Mr. Boozey, whom I went to measure for a pair of breeches; and he bought one for seven shillings; I went from there to Mr. French, and he bought three for seventeen shillings, and some to other people; Mr. French came and asked me if I knew who I had them of and I said yes; and he said the things were stolen, and he shewed me the advertisement; then I knew it was the same things, and I went with Mr. French to Mr. Wright's, who owned the property, and the prisoner was taken into custody; there was also four pair of boots; I was to dispose of the boots too; I had no suspicion of him. In consequence of my going to Mr. Wright's the discovery was made; he was in Mr. Wright's service when he was taken into custody; nineteen of the shirts are in Mr. French's custody, and the boots too.

VIOLETTA FRENCH *sworn.*

Mr. Thomas came to my house to offer the shirts, and would be obliged to me to dispose of some, my husband shewed them to me, and he said seven shillings a piece; I thought some were very coarse; I offered him sixteen shillings for them; my husband paid him seventeen shillings for three of the shirts; and he brought a pair of boots, but he took them back; I bought another fine shirt of him; after dinner I saw the advertisement, and shewed it to my husband, and he went to Mr. Thomas's and to Mr. Wright's house; these are the first seven that were left in our house, and the rest of the property.

JONATHAN BROCKLEBANK *sworn.*

I produce twelve shirts which I had at Mr. Thomas's house; I believe Mrs. Thomas gave them me; Mr. Thomas and Mrs. French were present; they have been in Mrs. French's possession; I delivered them to her at the Justice's; they are the same I had of Thomas French; I delivered him the same I received at the office, there were some old boots, which were delivered to Mr. Wright, and a pair of new ones.

JOHN COULDER *sworn.*

William the prisoner came and called me, and told me he had a job for me, there was a direction on the bundle, I went and left the bundle at Eleanor Thomas's, which I am sure I received of the prisoner, and she desired me to carry them to her brother.

THOMAS BOOZEY *sworn.*

This is the shirt I bought of Mr. Thomas, I am sure it is the same.

(The shirts produced and deposed to.)

Brocklebank. I had the boots from Mr. Thomas, they were carried to the Rotation-office, and delivered to Mrs. French.

(The things deposed to by the prosecutor.)

The prisoner confessed the fact, no promise was made him.

The prisoner called six witnesses who all gave him a good character.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

623. ANN BARRETT was indicted for ſtealing one pint pewter pot, value 8d. the property of Robert Davis.

ROBERT DAVIS *ſworn.*

I ſaw a pint pot of mine in the priſoner's pocket; Ann Davis took it out.

ANN DAVIS *ſworn.*

I took a pint pot out of the priſoner's pocket belonging to Mr. Davis; ſhe ſaid, oh! Mrs. Davis do not ſay ſo, when I found it; ſhe often came to our houſe.

(The pot depoſed to.)

PRISONER's DEFENCE.

I was very much in liquor.

The priſoner called two witneſſes to her character.

GUILTY.

To be privately whipped and impriſoned ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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624. WILLIAM HASKINS was indicted for feloniouſly ſtealing, on the 7th day of May laſt, one pair of linen ſheets, value 2s. 6d. one blanket, value 1s. one coverlid, value 1s. one bolſter, value 1s. the property of Edward Hale, being in a certain lodging room, in a certain houſe of one John Ramſbotham, let by contract to him.

MARY HALE *ſworn.*

Theſe are houſes in truſt for my uſe, Mr. John Ramſbotham is my truſtee; I let the priſoner a lodging in a lower room by the week, with goods in it; I miſſed the things in the indictment, I went there a fortnight after, about the 7th or 8th of May for rent, and I looked about and miſſed the things; I aſked him about them, and he ſaid, he would get them in again in a week or ten days; he ſaid, his wife had pawned them, and he promiſed to give me ſome rent in the morning.

Did you tell him, if he would get the things again you would not proſecute him? —Yes, but that was after he ſaid he pawned the things, it was when the conſtable was there, he locked up the door, and went off afterwards; my firſt huſband bought the furniture.

JOHN NEWMAN *ſworn.*

I apprehended the priſoner, he was talking with Mrs. Hale, and ſhe agreed to give the priſoner a fortnight to get them again.

PRISONER's DEFENCE.

I had been down to Graveſend for nine days, and when I came home the back window was broke open, ſometime after that I found the ſtreet door open, I know nothing of the things going; then ſhe came and aſked me for money, and threatened to charge me, I told her to give me time, and ſhe gave me a fortnight, and in nine days ſhe put me in gaol.

The priſoner called one witneſs to his character.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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625. JOHN DELL was indicted for feloniouſly ſtealing, on the firſt day of July, twenty-ſix ſheep ſkins tanned, value 15s. one cow hide, value 15s. the property of James Vaughan, and one man's linen frock, value 2s. the property of Henry Sead.

JOHN SUFFRIEN *ſworn.*

I was conſtable of the night, in the morning of the 1ſt of July, about half an hour after four, the watchman called to me, and I came up juſt when the watchman had ſtopped the priſoner, he had a

large raw hide, and twenty-six skins in a bundle, I have had them ever since; he said, when I asked him if he came by them honestly, you may guess that to my sorrow, but when he came to the Compter, he confessed every thing, and how he stole them; I understand he wanted to turn evidence, and I told him it would be best for him to make a full discovery.

TIMOTHY JONES *sworn.*

I am watchman, I saw the prisoner coming up with a bag on his shoulder; I asked him what they were, he made no answer, then he dropped the bag.

JOHN BOOTH *sworn.*

I am foreman to Mr. Vaughan, he is a tanner in the Grainge; when I got up in the morning I missed twenty-six sheep skins and one cow hide, it was on the 1st of July; by missing them I went round to search, and I met Mr. Suffrien, and I knew the goods by the feel, these are eleven skins in the rough, they are pressed before they go into that state, the rest were half dressed, they are much thinner by our method, and no other person makes use of our press, it is computed to be more than forty horses can draw, and it is all worked by two men and a boy; I cannot know the raw hide, but one was missing.

JOHN METER *sworn.*

I worked these fifteen skins, I know my own work, and there is none in the shed but mine.

PRISONER's DEFENCE.

A man gave me them to carry over the water, his name is William Hall, he is somewhere in Barnaby-street.

Suffrien. There is such a man, the prisoner said so at the time.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

626. JOHN BROWN was indicted for feloniously stealing, on the 1st day of July, one linen handkerchief, value 9d. the property of William Forrester.

(William Forrester called on his recognizance, and did not appear.)

WILLIAM TABERNACLE *sworn.*

I followed the prisoner, and I saw him pick the prosecutor's pocket of a handkerchief; I stopped him, and took the handkerchief from him and gave it to the constable.

WILLIAM WARREN *sworn.*

I produce the handkerchief marked W. F.

PRISONER's DEFENCE.

I was coming up Holborn, I had been drinking.

GUILTY.

Transported for seven years.

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627. WILLIAM HAYWARD was indicted for feloniously stealing, on the 26th day of May last, one linen handkerchief, value 10d. the property of a person unknown.

GABRIEL JOHNSON *sworn.*

The 26th of last May, the day the children walked to St. Paul's; I saw the prisoner in company with three more, follow a gentleman, and at the corner of St. Paul's, I saw him put his hand into a gentleman's pocket, and take a handkerchief; I went to the prisoner, and told the gentleman, he said, he lived at No. 11, Clifford's Inn, he was an attorney.

JOHN CLARKE *sworn.*

I took the prisoner.

PRISONER's DEFENCE.

There was a great mob of people together, and that gentleman laid hold of me, but the gentleman that lost his handker-

chief, ſaid, I was not the perſon, and he would not appear againſt me.

The priſoner called four witneſſes who gave him a very good character.

Court to Johnſon. You ſaw him come you ſay with three more?——I am perfectly clear that he was the perſon, I have no doubt, I took the handkerchief out of his hand.

Priſoner. I never had the handkerchief in my hand.

GUILTY.

He was recommended by the Jury.

Whipped.

Tried by the London Jury before Mr. RECORDER.

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628. HARRIOT KIRBY was indicted for feloniouſly ſtealing, on the 19th day of February laſt, one ſilk gown and coat, value 10s. one other gown, value 5s. one pair of ſtays, value 15s. one ſtriped petticoat, value 1s. one ſilk cloak, value 3s. one ſilk bonnet, value 2s. one pair of gloves, value 1s. one muſlin apron, value 2s. one other muſlin apron, value 1s. one other apron, value 2s. one other apron, value 6d. three ſhifts, value 2s. ſix tea ſpoons, value 10s. one linen ſheet, value 3s. one handkerchief, value 1s. one other handkerchief, value 6d. and two ſhillings in monies numbered, the property of James Tomlinſon, in the dwelling houſe of Mary Barrett.

MARY TOMLINSON *ſworn.*

I did live at the time of this robbery, at No. 39, Greek-ſtreet, St. Ann's, in the dwelling houſe of Mary Barrett, my huſband's Chriſtian name is James, I loſt all the things mentioned in the indictment, which were worth more than they are there valued; they were taken out of the houſe on the 21ſt of February, between ſeven and eight in the morning, I had ſome of them the night before, and the priſoner folded them up, and the reſt were all in the back parlour: I am ſure the ſtriped petticoat was there the night before, and the ſpoons and my cloak, I miſſed nothing elſe at that time, the priſoner left me to fetch ſome wood to light the fire, and did not return; ſhe was a nurſe to me; after ſhe had been gone half an hour my huſband got up, and the firſt things we miſſed, were the ſpoons, and then we ſaw one drawer open, and nothing in it, and we looked further, and found all the things gone that are ſpecified.

JAMES THOMLINSON *ſworn.*

The tea ſpoons, and the petticoat, and the cloak, I know were in the houſe the night before, I firſt miſſed the ſpoon, and then the other things, then I went to all the pawnbrokers in the neighbourhood, and I found a white marſeilles petticoat at the houſe of Mr. Fair, ſome of the other things I have had ſince, they were found at Mr. Morris's.

——— MORRIS *ſworn.*

I produce a gown and coat, I received them the 28th of February, I am not poſitive to the priſoner, I have not ſeen the perſon from that day to this to my knowledge; I gave her a duplicate, it was in the name of Collins, I have got nothing elſe.

JAMES COLLINS *ſworn.*

I produce a white marſeilles quilted petticoat, which I received the 19th February from the priſoner, it was pawned with me for ſix ſhillings.

Another pawnbroker produced a flannel coat pawned by the priſoner the 13th of April.

(The things depoſed to.)

Proſecutrix. The apron the priſoner had before her was mine, and my ſhift was found in her room, I cannot get any account of the tea ſpoons, ſhe ſaid, ſhe pledged them in the Strand, for half a guinea.

Court. What did you ſay to her?—She begged

begged first of me for mercy, I told her if she would let me know where there was any of my property, if it lay in my power I would.

Court. Then say nothing about it.

Prisoner. I have nothing to say in my defence, but I beg for mercy, my witnesses are not here now.

GUILTY, 39s.

To be confined to hard labour three years in the House of Correction.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

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629. ANN BROOKS was indicted for feloniously stealing, on the 15th day of June, two linen sheets, value 3s. two linen shirts, value 2s. two linen shifts, value 18d. two cloth aprons, value 12d. two check aprons, value 12d. one lawn handkerchief, value 6d. two ditto, value 6d. one neckcloth, value 2d. one frock, value 6d. two children's linen pin cloths, value 6d. a child's clout, value 3d. a child's shirt, value 2d. a child's gown, value 6d. a man's cloth coat, value 4s. a woman's cloth cloak, value 6d. a woman's bed gown, value 3d. the property of Francis Hunt.

SARAH GREEN *sworn.*

I am next door neighbour to the prosecutor, I stood at my door, and I saw the prisoner on the 15th of June, come out of the prosecutor's house with a bundle in her hand, and a red cloak spread over it; I looked after her, and when she got to the end of the alley, she turned to her left hand towards Whitechapel, and the prosecutor's wife came, and said, she was robbed, and her door broke open; and the prisoner was pursued and brought back with the property in her lap, by Samuel Clements; I am positive it is the same woman I saw come out of the house.

SAMUEL CLEMENTS *sworn.*

I pursued and brought back the prisoner by the description of the last witness, with the property in her apron; when I overtook her, I asked her what she had in her apron, she said it was nothing to me, and she would not tell me.

Prisoner. When he took me, I told him a woman gave them to me to carry to the Minories, for a pot of beer.

Court to Clements. Is that so?——No,

PATIENCE HUNT *sworn.*

I went out and locked the kitchen door, and took the key; these things were then in the kitchen, I found the door opened when I returned, I am sure of the coat, for my husband had never another.

Prisoner. I had only lain in a fortnight.

GUILTY.

To be confined to hard labour one year in the House of Correction.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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630. JOSEPH BOSSEY was indicted for feloniously stealing, on the 19th day of June last, two coach door glasses, value 20s. two cloth coach seats, value 20s. one hammer cloth, value 3s. and one coach carpet, value 12d. the property of Thomas Bettesworth.

——— DEACON *sworn.*

I am coachman to Mr. Bettesworth, in Black Horse-yard, Osborn-place; on Saturday se'nnight between twelve and one my coach was waiting at Vauxhall for some company, and me and my fellow servant went in to get a little refreshment we were not in above twenty minutes, and my fellow servant went out, and said, the carriage is gone; I ran out, I thought somebody had drove it away, I could not find anything of it, at last it was found

the Black Dog gateway, St. Giles's, the prisoner was stopped with the glasses.

JOHN LOW *sworn.*

I stopped the prisoner with the glasses under his arm, at half after three in the morning.

(Produced and deposed to.)

Coachman. I know these glasses by a particular place like a hair, I have tried them to the places, and they fit.

PRISONER's DEFENCE.

I went out early to look for work, and a man that looked like a tradesman asked me to carry these things; I did not conceal them, I said where I got them.

Coachman. He would have been evidence against two others, but the Justice would not let him.

Watchman. I saw no man with the prisoner.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

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631. RICHARD MYER and FRANCIS OSLAN otherwise COLSON were indicted for feloniously stealing on the 16th day of May last, one sack, value 4s. and four bushels of malt, value 20s. the property of John Lake.

SAMUEL HARRABANE *sworn.*

I am master of a brig at St. Catherines; on the 16th of May I received some malt from Mr. Lake, it was taken in for seventy quarters, I never saw it measured. I went away about six, and returned about ten, I left my son there.

JOHN PERRY *sworn.*

I am master of a vessel; I saw the sack taken after it was put into a wherry, and the prisoner Colson rowed away directly; I knew the brig belonging to the last witness, and this wherry was close to it when I saw it; he rowed to a place called the Dutch Cater, in St. Catherines; I immediately went there, and two men had got a rope round, and were hauling it up; as soon as they saw me, they undid the rope again, and the prisoner Colson rowed away; the sack was taken to a justice; I will not say I saw the other prisoner have any hand in it.

SAMUEL DAVIS *sworn.*

I am a ship agent and notary, I am agent for an hundred of these different kind of craft; I came home to dinner at three, and after dinner I went into Mr. Nurenberg's warehouse, between four and five, the back part of which faces the water, and I saw the prisoner Colson, whom I have known this four or five years, his employment is a waterman that plies of a night not of a day; I saw the prisoner Myer, who is the mate of the brig, and was on board the brig, and left in care of it; he appeared to be scraping up some of the corn into the sack, and Colson and him lifted the sack upon deck; I saw the sack, but could not see the letters; I saw them put it into the boat; I called to Captain Perry, who was on board his vessel, and called him on shore before ever the sack was delivered from the barge into the boat, I saw the boat go to the back-door of the Dutch Cators, and I saw a rope fixed on to the mouth of the sack, to get it up, when the man saw me he stepped from the platform, and desired the man to row along; I produce the sack, it was in my possession till it was landed; I delivered it to Justice Davis, and Captain Perry had it from the Justice. *(The sack produced.)* It belongs to Mr. Dixon.

PRISONER MYER's DEFENCE.

About two o'clock a person asked me to take the sack from James Conyer's, and he would come for it in two hours.

PRISONER COLSON's DEFENCE.

On Whitſun-Monday, between four and five, a young man came to me and ſaid, go down to the brig and fetch a ſack, I did ſo.

Davis. He caſt the rope off, I told him to ſtop, he did not ſay anything particular beſides; but corn is never worked without the proper legal meter; Myer never went out of the barge.

The priſoner Myer called the proſecutor to his character, who ſaid he had known him ten years, and never knew any harm of him before.

The priſoner called four witneſſes, who gave him a good character.

BOTH GUILTY.

Each Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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632. JOSEPH GWYNN and BENJAMIN GODDARD were indicted for feloniouſly ſtealing on the 10th day of June, ſeven yards of printed cotton, value 10s. the property of Griffith Humphreys.

The witneſſes examined apart at the deſire of the priſoners.

GRIFFITH HUMPHREYS *ſworn.*

I keep a ſhop in Shoreditch, I had ſome coals came in, and I left a little girl to take care of the ſhop while I went with the men, and in a few minutes I heard her cry out that goods were taken out of the ſhop; I ran after the thieves as ſhe directed, but ſaw nothing of them; I never got any of the property, I did not ſee the priſoners.

REBECCA JEWAN *ſworn.*

Court. How old are you?—Going on fourteen; I was putting ſome prints on the rails, I took particular notice of a flowered cotton which I miſſed, it was ſeven yards, my maſter meaſured it a day or two before; I was ſtanding by the window, and the piece of cotton lay before me, as ſoon as I miſſed it I told my maſter; I ſaw nobody come into the ſhop; I never ſaw the cotton ſince.

Mr. Peatt, Priſoner's Council. Did you tell the yards as he meaſured them, or did he tell you it meaſured ſo much?—He told me ſo.

PETER TOVEY *ſworn.*

On the 10th of June, between eight and nine, I was going to Shoreditch, and I ſaw the priſoner Goddard come out of Mr. Humphrey's ſhop, with ſomething under his coat; I cannot tell what it was; I purſued him to the end of Plumb-pudding-row, and he took it out of his coat, and put it into his apron, I loſt him after; it appeared to be linen: I ſaw him and the other priſoner in about an hour after; and I and another took them both; he had nothing with him then.

Mr. Peatt. Had you ever ſeen either of the priſoners before, to your knowledge?—Never.

There were a great many people about?—Yes.

GEORGE FERRY *ſworn.*

About half after eight I ſaw the priſoner Goddard come out of the ſhop with ſomething under his coat.

SAMUEL HARPER *ſworn.*

I took the priſoners by the deſcription of Berry.

PRISONER GODDARD's DEFENCE.

I am very innocent, I never was in any trouble.

The priſoner Goddard called two witneſſes who gave him a good character.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

633. ABR

633. ABRAHAM HARLEY was indicted for burglariously and feloniously breaking and entering the dwelling house of William Bernardieu, about the hour of two in the night, on the 18th day of May last, and burglariously stealing therein one wooden cask, containing three gallons of rum, value 20s. one other cask containing four gallons of raſberry geneva, value 18s. and four gallons of peppermint, value 16s. his property.

WILLIAM BERNARDIEU *ſworn.*

On the 18th of May laſt, I went into my cellar, and I found a hole cut in the brick-work in the wall, two feet one inch one way, and three feet ſix inches another way, there was a frame in that brick-work, which was taken out entirely, I ſaw the place the day before, between one and two, it was very ſafe; then I went and looked into the cellar where I keep my liquors, and I miſſed the things mentioned in the indictment: I ſaw the caſk firſt in cuſtody of the conſtable, there was the names of Thorp and Thornton on it, and about three gallons of rum in it and a pint, it was the wall of the back yard; my ground is encloſed with a wooden fence, and there is a paſſage goes through.

Mr. Peatt, Priſoner's Council. You ſay about half paſt two, Sir?—Yes.

It was quite light then?—No, Sir.

If anybody had been there could you have diſtinguiſhed them?—In the yard I could, every door and part was faſtened the night before.

That paſſage is a common thoroughfare?—Yes.

GEORGE FERRY *ſworn.*

I am ſervant to one Mr. Pointer in Shoreditch, about half after five the 18th of May, I ſaw this young man and another, the priſoner had a keg on his head, the other parted from him; when I went to him he put the caſk on the ground and ran away: it has been in my poſſeſſion ever ſince.

(Depoſed to.)

JOHN GREENWOOD *ſworn.*

On Wedneſday the 18th of May, I got up at four in the morning, and about five I ſaw the priſoner running very faſt, and I heard ſomebody call out ſtop thief, I caught the priſoner, he ſaid for God's ſake let me go; I ſecured him.

PRISONER's DEFENCE.

They ſcratched the caſk at the Juſtice's, to know it again.

Court to Proſecutor. Is your cellar under lock and key?—Yes.

The priſoner called five witneſſes, who gave him a good character.

GUILTY

Of ſtealing, but not of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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634. THOMAS CHUTE BROWN was indicted for feloniouſly ſtealing on the 4th day of June laſt, one cloth livery waiſtcoat trimmed with gold lace, value 20s. and one man's hat trimmed with gold lace, value 10s. the property of our Lord the King.

JAMES BILLING *ſworn.*

I am one of the King's coachmen, on the 4th of June I was out of town, I only prove the property.

AGNES M'DONALD *ſworn.*

I aſſiſted the houſehold that day, being a buſy day; I aſſiſted at the ſuttling-houſe, St. James's, and I perceived the priſoner coming down ſtairs, I thought he was a ſtrange man, and ſeemed to have rather a bulk about his breaſt; I was ſpeaking to ſome of the ſerjeants; and I ſpoke to the priſoner, he ſaid he was going out; I deſired to ſpeak to him firſt; and I took him into

into the house and unbuttoned his coat, and found the waistcoat on one side, and the hat on the other; there are only bed-chambers up stairs, the gentlewoman and her two daughters live there.

(The things deposed to.)

PRISONER's DEFENCE.

It is the first crime I ever committed, I was so much in liquor, I did not know what I did.

Court to M'Donald. Was the man in liquor?—He was in liquor, he seemed to be in liquor, and he told me yesterday that a woman directed him up stairs, he begged to get off when I charged him with the things.

CHARLES MONITER *sworn.*

I am a serjeant in the thirty-sixth regiment of foot, the regiment is at Madrass, in the East-Indies; the prisoner is a recruit of mine, he was enlisted twelve days or a fortnight before this affair happened; he behaved himself remarkably well, I never saw anything amiss in the young fellow before, he behaved very well, every thing becoming a soldier, the recruits will not go to the East-Indies till next Christmas.

GUILTY.

To be privately whipped and discharged.

Court to the Serjeant. Will you take this man again?—Yes, my Lord, I will take him with me.

Tried by the second Middlesex Jury before Mr. ROSE.

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635. WILLIAM WARRICK was indicted for feloniously stealing, on the 27th day of May last, 200lb. weight of rags, value 30s. the property of Henry Fourdrinier, William Bloxham, and Joseph Walker.

HENRY FOURDRINIER *sworn.*

I am partner with William Bloxham, and Joseph Walker, we purchase great quantities of rags, and sell them out in the wholesale way, our warehouse is in Sherbone-lane.

WILLIAM ANDERSON *sworn.*

I let the prosecutor a warehouse in Anchor-ally, Three Crane wharf, for putting rags in; on the 27th of May, in the afternoon between four and five, I came to my house at the bottom of Anchor-alley, I looked up the alley, and I saw my warehouse door open, I saw three men come out of it, the two first with a bag of rags, the third was the prisoner, he had nothing upon him, but locked the door and put the key in his pocket; I immediately followed and called to him to know where he had got that key, and who sent him for rags, he called back, and said, Mr. Swain had sent him for the rags; Mr. Swain is the prosecutor's clerk, and takes care of the rags, I desired him to shew me the key, and he would not, I overtook him and apprehended him, and took him to the prosecutor's house, but in going I had my eye upon two men that carried the bags all the way, and I saw them go up a narrow passage and throw them down, they are here, I put a mark upon them.

Court to Prosecutor. Did you know the prisoner before?—Yes.

What is he?——He is a labouring man, and has done business for us frequently, I never intrusted him with the key, Mr. Anderson kept the key; when I saw the prisoner at the Compter, I believe somebody told him it would be better for him to confess.

PRISONER's DEFENCE.

I had been at the wharf, and two men were before me about fifty yards, and Mr. Anderson was fifty yards behind me; he called me to give him the key, I told him I had no key, if I had I should give it

it to Mr. Swain, he searched me, I had no key.

JOHN GOAD *sworn.*

I am a porter at the Three Cranes, I work for Mr. Wilson, on the 27th of May, I saw two men with these two bags of rags on their backs, and the prisoner was just coming down stairs locking the warehouse door, Mr. Anderson called to him for the key, he said, he would not shew it him, nor would not shew it anybody but Mr. Swain; Mr. Anderson passed me insisting on seeing the key, I went up the alley, and there stood the two bags of rags, and Mr. Anderson gave me charge of him.

Jury. Did you see these men come out of the warehouse with the bags, before the prisoner locked the door?——I did not.

How far were they from the warehouse?——About thirty yards.

Prisoner. I never had any key to lock the door.

Jury. Did you see a key?——No, the door was open, and I saw him put it too.

Can you swear to the property?—It is impossible.

GUILTY.

To be whipped, and imprisoned six months in Newgate.

Tried by the London Jury before Mr. Justice HEATH.

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636. JOHN BROWN otherwise AUSTIN alias ASTILL was indicted for burglariously and feloniously breaking and entering the dwelling house of Thomas Knott, about the hour of three in the night, on the 10th day of January last, and burglariously stealing therein, three hundred yards of silk lace, called blond lace, value 30l. three hundred yards of other lace, value 30l. five hundred yards of thread lace, value 5l. one hundred pieces of ribbon, value 15l. one hundred yards of mode, value 5l. forty-eight pair of stockings, value 3l. twenty-four pair of thread stockings, value 3l. 12s. and sixty pair of gloves, value 3l. his property.

The Case opened by Mr. Knowles.

DAVID WILLIAMS *sworn.*

I am servant to Mr. Knott, I remember the house being broke open, I slept in the house that night, it was on Monday the 10th of January, or Tuesday the 11th of January, at three in the morning; I fastened the lower part of the house doors and windows, when I got up in the morning, the street door was drawn too, and another little door, I am sure they were shut over night, the window was broke in the morning but safe at night, I found two large crows, and some candles, and matches, and tinder, on the counter in the shop, and a gimblet.

Mr. Garrow, Prisoner's Council. You did not fasten that window yourself?—No.

You do not know whether it was fast?—No, the maid fastened that, the goods taken were to the value of six or seven hundred pounds.

MOSES EMANUEL *sworn.*

I know the prosecutor.

Do you know the prisoner?——No, my wife saw him.

SARAH EMANUEL *sworn.*

I know the prisoner, I saw him the 11th of January, in Mr. Levy's room, he was sitting on the bed side, he was doing nothing, he was playing with Mr. Levy's little girl.

What was there in the room particular?——Some lace and ribbons.

What conversation passed?—There was a dispute about the lace and the ribbons, between Waters, Summers, Lucas, and this gentleman.

What gentleman?—The prisoner, this gentleman had very little to do with it, he said, it was agreeable to let them go at two shillings and three pence a dozen, that was about the ribbon.

Were the ribbons diſpoſed of there?——Yes, at Mr. Levy's.

Who was in company?—Lucas, Waters, and Summers, and theſe men were in the room; they were convicted a ſeſſions or two ago.

Was there any converſation where it came from or anything of the priſoner?—Yes, Waters ſaid, it came from Covent-Garden.

Did the priſoner contradict that?—No.

Court. How much did they ſell Levy in the whole?——The ribbons came to ſix pounds nineteen ſhillings, and the lace to forty guineas.

Mr. Garrow. How much of this bargain had you?—Nothing.

I believe you was to have half?—No, I had no half.

You was to have had?——You are welcome to ſay what you pleaſe, you are welcome to ſcold.

Was not the original bargain that you was to have half of theſe?—Yes.

So Lewis bilked you?—I do not underſtand that word.

They cheated you of your bargain?——I did not know any of their bargain, when I knew how they were got, I did not want half.

So Waters told this young man, that the things came from Covent Garden?—They ſaid that the buſineſs ſhould be done quick, on account of it's being ſo near Bow-ſtreet.

MOSES LEVY *ſworn.*

Do you know the priſoner?——I cannot poſitively ſay, I ſaw a man that looked very much like him, it is ſix months ago, I have ſeen ſo many thouſands of people, it is impoſſible for me to ſwear poſitively to him.

Court to Mrs. Emanuel. What time of the day was it you ſaw him at Levy's?—It was in the afternoon.

What time?—Between twelve and one.

JUDITH LEVY *ſworn.*

I cannot ſwear to the priſoner, I aſſure you, I never ſaw the man before with my eyes, and I never ſaw him ſince, I told Sir Sampſon Wright the ſame, I do not really think he is the man.

Mr. Garrow. Had you a longer opportunity of obſerving the man that did come than Mrs. Emanuel?—I was up and down in the place, I was there before ſhe came, and I really believe this is not the man.

PATRICK M'MANUS *ſworn.*

I apprehended the priſoner, we had been after him very often, and I took him into cuſtody, the property has never been produced, Levy produced the property before.

Court to Jury. Gentlemen, there is no caſe at all made out againſt the priſoner.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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637. ALEXANDER DILLYON was indicted for feloniouſly ſtealing, on the 18th of May laſt, one iron anvil, value 20s. the property of Edward Smith.

EDWARD SMITH *ſworn.*

I live in Clerkenwell, I loſt an iron anvil the 18th of May laſt, out of the ſhop that I work in, it was taken away in the night, it was paſt nine when I was in the ſhop, I locked up the doors and it was gone, in the morning I found it.

——— WILMOT *ſworn.*

The priſoner ordered this anvil to be brought to my maſter's, Thomas Marſh, No. 2, King-ſtreet, for ſale; on the 25th of May the priſoner offered it for ſale, it was not ſold, I ſtopped it, I knew it to be ſtolen, for I appraiſed the priſoner into the ſhop; the priſoner ſaid, he ſold it for himſelf, and then I took him to the conſtable.

Mr. Peatt, Priſoner's Council. Did he ſay anything to you about a man having employed

employed him about this anvil?——He might ſay ſomething.

But did he?——Yes.

What was that?——He ſaid a man gave him that anvil to part with, it has never been out of my cuſtody, but ſince I have had it here it has been in the cuſtody of others at the public houſe.

WILLIAM HICKMAN *ſworn.*

My maſter Thomas Smith called me from work, to go into Black-horſe-court, Fleet-ſtreet, No. 10, up one pair of ſtairs, that there was the anvil I miſſed from the ſhop; I went there and the priſoner opened the door, and he and another man helped me with the anvil, and he and another man came along with me.

PRISONER's DEFENCE.

I was going to Wapping, and met a young man, and we went to a public houſe, he ſaid, he had ſomething that would ſuit me in my way; I aſked him what it was, he ſaid; it was an anvil, I told him I was not in buſineſs for myſelf, he aſked me to ſell it for him, and ſo he ſent me to Black-horſe-court; I went there, and there was the anvil, and I went to that man's maſter to ſell it, and they ſtopped me, and aſked me whether it was mine, and I ſaid it was, becauſe it was in my charge; I did not ſtay till the man came, which I told them would be there at ſeven o'clock, and the man made off.

SARAH SMITH *ſworn.*

Do you know anything about a man's calling reſpecting this anvil?—Yes, a man aſked me if I knew Dillyon, I told him I did, by calling at my father's, and he ſaid, he had brought that anvil for Dillyon to keep it till he called; Dillyon did call, the man in the evening called about four or five for the money, I do not know the man, he called after the priſoner was taken up, I told him he was taken up, he ſaid, he knew where it was, he would go to the priſoner, I never ſaw him afterwards; I have known the priſoner theſe two years, he is a very honeſt young man, and attentive to his buſineſs, I never heard anything againſt him, he kept very good hours.

The priſoner called three more witneſſes who all gave him a very good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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638. DAVID BRANDON was indicted for feloniouſly ſtealing, on the 24th day of May laſt, 500lb. weight of lead, value 3l. belonging to Chamberlain Birch, then and there fixed to a certain building of the ſaid Chamberlain againſt the ſtatute.

CHAMBERLAIN BIRCH *ſworn.*

I live at Stamford-hill, in the pariſh of St. John Hackney, I loſt a quantity of lead, in May about the 16th, it was firſt miſſed, on about the 19th there was a ſecond quantity miſſed, and about the 22d a third quantity, I then agreed to give one of my men a guinea, and my neighbour ſet ſome of his men to watch.

CHARLES WARRINGTON *ſworn.*

I am ſervant to the proſecutor, I was ſet up to watch, my maſter being ſo often robbed, and another man with me, at ten we went into the barn, about half paſt eleven ſomebody came at top and began taking off the tiles, and threw a piece down, then the watch came paſt twelve, he ſtood ſtill a good while, then he went to work again, and coming down I went and took him, two pieces of lead laid juſt by, which he had upon his ſhoulders, that he threw down; I ſtopped him, and clapped a piſtol to him, ſays he, I am taken I ſee, I wiſh you had ſhot me dead.

Who was the man?—The priſoner, he never got away from me till I put him into the cage.

How much lead had he got?——Five ſcore pounds at that time.

(The lead produced.)

Priſontr.

Prisoner. I am a farmer's man, I have been out of work and had no money, a large dog came rushing through, and to get out of the way of the dog I got upon the barn, there might be twenty people there, I have no witnesses.

Jury. Did you see anybody upon the premises?—I heard him go up, I saw him throw down one piece, and when he came with the second he went away.

GUILTY.

To be whipped and confined six months in the House of Correction.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

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639. WILLIAM SEDDON was indicted for feloniously stealing on the 23d of June, one linen cap, value 4s. one linen housewife, value 2d. one silk handkerchief, value 5s. one linen handkerchief, value 2d. and two shillings in monies numbered, the property of Hannah Barker.

Hannah Barker and another witness called on their recognizances, and they not appearing the prisoner was

ACQUITTED.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

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640. CORNELIUS MARNEY was indicted for feloniously stealing on the 13th of June, ten iron bars, value 10s. belonging to Henry Dagge, Esq; then and there fixed to a certain building of the said Henry, against the statute.

THOMAS SAUSUM *sworn.*

I know the prisoner, I am watchman at Mr. Dagge's cow-house, the 12th of this month I found a bag of iron bars laid after ten o'clock under the house, I let it lay, expecting the person to come for it; I watched and saw the prisoner come, that is the man, he went under the cow-house, at two in the morning he took it upon his shoulders; I clapped him upon the shoulder, and asked him if he was come for his bag, he said aye; he could give no account at all; I took him in to custody.

JOHN EDMONDS *sworn.*

I am smith to Mr. Dagge, I made these bars, and know they are his; I placed these bars in the green-house copper hole, I tried them there, and they fitted, they are the same I placed; and here are two or three of the bars particularly marked, I can swear to them: I saw them there about a fortnight or three weeks before.

PRISONER's DEFENCE.

I went out to look for a day's work, and I thought it too early, and seeing this shed just by the foot-way, I went in to lay down for an hour or two, and in this shed there was some hay, and I thought to lay down in the hay, and this gentleman desired me not to stir, I said no, I shall not stir, I am going to lay down: but I am as innocent of the fact as a child unborn.

Court to Jury. Gentlemen, this indictment is founded on a statute for stealing a quantity of iron fixed to a dwelling-house, now the fact that is proved is, that it was not fixed to the dwelling-house, but fixed to the cow-house, and afterwards found in the cow-house, and though it is very probable the prisoner was the person who did wrench them: it would have been an offence at common law, but upon this evidence as applied to this indictment you must acquit the prisoner.

NOT GUILTY.

Court. Let him be detained till the gaol delivery.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

641. JAME

641. JAMES MOFFATT was indicted for feloniouſly ſtealing on the 24th day of June, one ſilver watch, value 40s. and one pair of ſilver ſhoe buckles, value 10s. the property of Edward Cox, in the dwelling-houſe of Thomas Simpſon.

EDWARD COX *ſworn.*

I am lately come from ſea; on Friday night laſt I loſt my watch and buckles at my lodgings in Cable-ſtreet; I loſt them between ſeven and eight, it was a ſilver watch.

What was it worth?——It coſt me three pounds, the buckles had ſilver tongues and chapes, they coſt 30s. I was ſitting on the ſtair-caſe reſting myſelf, I was not in liquor, nor in ſleep; the priſoner aſked me for a quartern of gin, and I immediately went into my room, I found my door ſhut, and the priſoner immediately ran down ſtairs, he did not ſpeak to me; I found my cheſt broke open; the priſoner had been a ſhip-mate of mine, he had been in my room ſeveral times before, I let him lay with me the night before, we have been pretty much together for this week, ſince I firſt ſaw him in London, I had not ſeen him years before; I ſaw him the next day and took him into cuſtody, he was talking with a girl to make up matters to go to ſleep with her; and he gave me two falls, he had like to have got away from me; on the Sunday morning I aſked him for my property, he ſaid if he had thirty pounds, he would give it me, then he told me he had ſold my buckles for fourteen ſhillings, and pawned my watch for fifteen ſhillings.

HENRY BAKER *ſworn.*

I have the buckles, the priſoner came into my maſter's ſhop on Monday night, between eight and nine, he told me he had a pair of buckles to ſell, I took them of him and knocked out the wire, I told him they came to fourteen ſhillings and ſixpence, I gave him the money for them.

SARAH BURGESS *ſworn.*

This man came to my houſe between eleven and twelve, with a young woman I knew very well, he aſked me to lend him five ſhillings, I did not know him; he ſaid he would leave his watch till morning; I did not know it was ſtolen; then he came in the morning and told me to go and pawn the watch for ten ſhillings, he gave five ſhillings, and I gave him five, the next morning when they told me about it, I delivered ten ſhillings to fetch it out of pawn, the officer is not here.

PRISONER's DEFENCE.

I have nothing to ſay.

Court to Sarah Burgeſs. What is the value of the watch?——He valued it at two pounds.

Court to Proſecutor. Did you ever borrow things of each other?——No never, I never lent him any thing, but I have paid money for him, and given him victuals.

GUILTY 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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642. JANE CURFEY was indicted for feloniouſly ſtealing on the 6th day of June, one pair of linen ſheets, value 6s. two linen bed curtains, value 5s. the property of Matthew Heſley, being in a certain lodging room let by him to her, to be uſed with the ſaid lodgings, againſt the ſtatute.

MATTHEW HESLEY *ſworn.*

My wife let the lodgings to the priſoner, ſhe came to me as a married woman, but when ſhe came to the rotation office ſhe denied her marriage, I miſſed the ſheet and curtains, I did not ſee them for three weeks before I miſſed them, I found them afterwards at the pawnbroker's.

JOHN EDWARDS *ſworn.*

I am a pawn-broker, on the 26th of May laſt the priſoner pawned a pair of ſheets with me, I am poſitive to her.

PRISONER's DEFENCE.

The proſecutor's wife gave me leave ſeveral times to pawn the ſheets, as ſhe knew I was in diſtreſs; ſhe knew they were pawned, but I had words with her, then ſhe took me up, I had not left the lodgings.

Proſecutor. My wife is ſick in bed, I do not know that ſhe gave her leave, the priſoner never mentioned a word of it.

Edwards. She has pawned them with me frequently.

GUILTY

To be privately whipped and impriſoned ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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643. RICHARD WARD was indicted for feloniouſly ſtealing on the 25th day of May, one flannel dreſſing jacket, value 5s. one cotton quilted jacket, value 10s. one waiſtcoat, value 2s. one other waiſtcoat, value 5s. one pair of ſhoe buckles, value 12s. one pair of knee buckles, value 3s. the property of Benjamin Barnet, Eſquire.

WILLIAM ROCHELL *ſworn.*

I am ſervant to Mr. Barnet, he loſt the things mentioned in the indictment, on the 25th of May between eleven and twelve, I ſaw them that morning, I had them in my hand in the dreſſing-room joining to the road, the wearing apparel was found directly after on the road, except the buckles, ſome of the things were found under the window.

ROBERT MARSH *ſworn.*

A little after eleven on Wedneſday the 25th of May I was going to Hampſtead Heath, towards the Spaniards; juſt before the wall of the proſecutor's houſe I ſaw the priſoner getting out of the window, when he ſaw me he dropped ſome of the things, I cried out ſtop thief, ſome people came out of the Spaniards, I purſued him to Kentiſh Town, and he was taken laying under ſome pales of a gentleman's yard; I took him into cuſtody, the priſoner is the perſon I ſaw getting out of the window.

SEBASTIAN THOMAS *ſworn.*

I live at the Spaniards, I heard the cry of ſtop thief on this day, and I ſaw the priſoner run by, the laſt witneſs was after him, I ran, but I loſt ſight of him; Mr. Marſh was coming home, near Mr. Barnet's window I ſaw his dreſſing jacket and things lay, I called to the ſervants, and one of them came and took them, they were about a foot and an half from the window; in about ten minutes they brought back the priſoner, I knew him directly, I am ſure he is the man.

GEORGE MARTIN *ſworn.*

I picked up a pair of buckles in Mr. Wolfin's yard, Kentiſh Town, between three and four in the afternoon; I purſued the priſoner, and held him, I ſaw him put his hand into his pocket.

PRISONER's DEFENCE.

Sir, I am a lath render. I ſaw that man crying out ſtop thief, I went to ſee if there was a thief, and they knocked me down; he ſaid he loſt ſight of me, and he ſaid to the old gentleman, do not bother me, whether it is him or no, I will ſwear to him.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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644. THOMAS BREASE was indicted for feloniouſly breaking and entering

ing the dwelling house of Richard Plaistow, about the hour of eight in the afternoon, on the 12th of May last, no person being therein, and feloniously stealing therein one patent stove, value 30s. and two china pedestals and vases, value 2s. and two images, value 2s. and one kitchen fender, value 5s. his property.

And ELIZABETH TIMERTH was indicted for feloniously receiving two china images, value 2s. being part of the same goods, knowing them to be stolen.

(The witnesses examined apart.)

JOHN CAMMELL *sworn.*

What is the prosecutor?——General Plaistow. I was charged with the care of the General's house; I saw the thieves go in and come out; I believe I was the last person that left the house, I am not sure, I double locked the door.

Were there any children in the house?—No, the door was double locked the day before, I believe nobody was that day in the house but the thieves; on the Wednesday night I saw the prisoner Brease, and a chimney-sweeper go in without anything; the house has been inhabited by the General some time since, but there has been an addition lately, and some things were there, they were General Plaistow's: about half after eight, or within a few minutes, I saw a fellow with a porter's knot on his back, at opposite the General's door; then the prisoner came up soon after, and they walked into the house as regular as if they had a key, in three minutes they came out, and seized the prisoner with a grate on his back; I do not know the name of them, I believe they are called patent stoves; I found this pick-lock key on the prisoner, which opens the door; the next day at the prisoner's lodgings, we found two china images at the lodging of the man prisoner; I said they were his, and the woman of the house told me so.

HENRY CROCKER *sworn.*

I am constable of St. Pancras, where this robbery was committed, I went to the lodgings of the man and woman prisoners, they both lodged together, when I came there, I found those two china images, they have been in Cammell's possession ever since.

GEORGE BOYDEN *sworn.*

I am watch-house-keeper, I produce these pick-lock keys.

FRANCIS PLAISTOW *sworn.*

I am the General's son, I have surveyed these images, and they are my father's property, I believe them to be his, I entertain no doubt about it: the stove is called a patent stove.

WILLIAM COVENTEN *sworn.*

I am a tripeman, I have known the prisoner Brease fifteen or sixteen years.

What has been his general character the last year or two?—Very indifferent.

RACHAEL SALISBURY *sworn.*

I have but little to say about the fellow, but Betty Timerth I have known these twenty-three years.

Court to Jury. Gentlemen, a dwelling house is within the intent and meaning of the act of parliament an inhabited house, it appears in evidence here, that the prosecutor had left this house, and left some furniture, but never had an intention of returning, so that if this house had been broke open in the night time, it would not have been a burglary; therefore you must acquit him of the capital part of the charge.

THOMAS BREASE GUILTY *of stealing.*

Transported for seven years.

ELIZABETH TIMERTH, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

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5. JOHN ALLSO was indicted for burglariously and feloniously breaking and

and entering the dwelling houſe of George Rochead, about the hour of eight at night on the 28th of April laſt, and burglariouſly ſtealing therein, three mahogany backs of chairs unfiniſhed, value 14s. his property.

GEORGE ROCHEAD *ſworn.*

I am a chair maker, I keep a houſe, on the 28th of April at eight at night, the ſpring latch of my fore door was lifted up, it was not bolted, and three mahogany chair backs were taken away, the door was on the lock or ſpring latch I cannot aſcertain which, after that, that was bolted, I ſaw the chair backs that evening, I had them in my hand, I miſſed them the next morning at ſeven; I left my ſhop about eight in the evening, they were there then.

Is your ſhop part of your houſe?—The lower part of the houſe under the ſame roof, I cannot tell how they were loſt, I judge they were taken from the time the door was left on the ſpring latch, which was from eight to ten; I left nobody in the ſhop, the ſtreet door was locked at ten, there is no door to the ſhop, it was taken off for the ſake of room, but it is the firſt room on the right hand, the ſtreet door was bolted next morning, nobody in the houſe but my wife and me, I got the backs of the chairs again that day fortnight, they were brought to my houſe, and offered to me for ſale by one of the witneſſes, John Oliver; I aſked him how he came by them, he ſaid he had them from one John Allſo, a carpenter and joiner; I ſtopped him and took him to the Rotation-office, the Juſtice gave him liberty to find the man, in the courſe of the week following; and he found him in the Weſtminſter Hoſpital, and he was not in a fit caſe to be moved.

What was the matter with the priſoner?—He had two broken ribs, and was not fit to be moved, two days after they gave us leave to bring him away in a coach, I never ſaw the priſoner before.

——— LEE *ſworn.*

I know nothing more than taking charge of Oliver with the property.

——— COCKERILL *ſworn.*

I went to the hoſpital, and ſaw the priſoner as the other witneſs has related.

JOHN OLIVER *ſworn.*

The priſoner was the man that brought the backs of the chairs, and left them at my houſe, he neither offered them for ſale, nor was there any money advanced upon them, he at the ſame time owed me money which he promiſed to pay, but did not; I kept the things for many days after, and not ſeeing or hearing of him, being diſtreſſed for money, and looking upon the property to be his; I took the things to the proſecutor's as the only man I knew of the trade, I offered them for ſale to him, I always looked upon the priſoner to be a very honeſt man.

Proſecutor. That evening I was at work on ſome mahogany chairs of the very pattern that were taken away, they were unfiniſhed.

Court. Had you done anything to theſe mahogany backs that evening?—No, but I had them in my hand that evening, I ſhewed them to the carpenter, the carver went away at half paſt ſeven.

The remainder of this Trial in the next Part which will be publiſhed in a few Days

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 29th of JUNE, 1785, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of John Allſo.

PRISONER's DEFENCE.

On Thurſday or Friday the latter part of April 1785; I, John Allſo, with intent to buy a pair of ſhoes of him, went to Mr. Oliver, No. 10, St. Clement's-lane; and was recommended by him to a friend of his in Field-lane, Holborn; returning home, I found three mahogany backs of chairs, between Fetter-lane, and Chancery-lane: I then in conſequence thereof, went to Mr. Oliver's and acquainted him therewith, he agreed they ſhould remain there, in expectation of their being advertiſed; after waiting eight or nine days, and not being advertiſed, I thought it would be proper to advertize them, in order to find the owner, the intended advertiſement I accordingly drew up, as follows, viz.

"To all maſter mahogany chair-makers, "who have loſt any chair backs, wholly "framed and glazed, the back legs not "finiſhed carving, may ſee them at No. "10, the corner of Plough-court, St. Cle-"ment's-lane, and proving their property "therein, may have them again, on pay-"ing the expences, &c.——They were "found between Fetter-lane, and Chan-"cery-lane, Holborn.

On the 13th of May, I had the intended advertiſement ready, and meant then to have delivered it to the printer, but unluckily on that day fell, by treading on a piece of orange peal, on ſtone ſteps, and broke three of my ribs, and on the 11th was carried to the Weſtminſter Infirmary, being in inexpreſſible agony, ſoon after after which I ſent to Mr. Oliver, who came two or three times to ſee me, and the laſt time of his coming compelled me to go with him before a Magiſtrate (Juſtice Girdler) concerning the ſaid chair backs—Then and there to my ſurpriſe, I found that Mr. Oliver had been endeavouring to ſell them unknown to me.—So that by his miſconduct, I was ſent to New Priſon, innocent I am of any crime reſpecting this affair, as the child unborn.—The above misfortune prevented me from publiſhing the intended advertiſement, which I produced to the conſtable.—I was very unfit to be moved from the hoſpital to New Priſon; the removal cauſed me to be confined to my bed three weeks; notwithſtanding the care and ſkill of the doctor, and the indulgence and kindneſs of the wardſman to whom I render my ſincere thanks.

Ca

Court to Oliver. Did the priſoner tell you how he found them, or how he came by them?——He did not, if he did I being deaf, I did not hear him.

Were they left with you on account of the debt that was due to you?——No, by no means in the world, they were only left in my houſe till he called for them.

How came you to ſell them?——Being diſtreſſed for money, and to pay myſelf what he owed me.

Then you had no authority from him to do that?—No, I never heard any more of him.

When did you receive the chairs?——I cannot ſay.

How many days did you keep them before you carried them to Rockhead?——I kept them near a fortnight.

Did you get them in the morning or evening?—About ſix in the evening.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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646. MARY BECK was indicted for feloniouſly ſtealing, on the 23d of May nine yards of thread lace, value 4l. 10s. nine yards of other thread lace, value 3l. 12s. ſeventeen yards and half of other thread lace, value 5l. ſeven yards and half of other thread lace, value 36s. eight yards and half of other lace, value 40s. four yards of other lace, value 4s. two yards and half of other lace, value 4s. the property of Conſtant de Charmæ.

CONSTANT DE CHARMÆ *ſworn.*

I am a lace merchant, and keep private rooms in Nauſſau-ſtreet, I charged the priſoner with robbing me to a very great amount, ſhe had been with me about eight months as a ſervant, we had a falſe character of her, we ſaw the things that were loſt perhaps four or five days before, they were kept in ſome drawers in a lace preſs, with the other laces; I miſſed them on the 23d of May, the drawers was ſtill locked.

ANN PENNINGTON *ſworn.*

Mr. Garrow, Priſoner's Council. I believe you was taken up for ſtealing this lace?—Not for ſtealing it.

Court. That is only to her credit.

Mr. Garrow. I ſubmit it goes a great deal further, it will go to her competency, to prevent her being let in now, ſhe is the principal felon, there is no ground at preſent.

Court. What are you?—A ſervant out of place, I lived with a painter and glazier, in St. James's-ſtreet, Covent Garden, at Mr. Saint Clare's, I was out of place at the time this lace was taken away; I went to drink tea with the priſoner Molly, and ſhe aſked me if I would ſell ſome lace for her, I aſked her how ſhe came by it, ſhe ſaid it was given her by a perſon who came from abroad, I ſold them for her, and ſhe had the money, I delivered it to Mrs. Samuel, ſhe ſold it, ſhe lives in St. Martin's-lane, I do not know how much there was, but I can tell you how much money there was, it was thread lace, a piece of lappeting at four ſhillings a yard.

How much money was it?—Firſt ſhe had thirty-four ſhillings, then ſhe had a guinea, and next eleven ſhillings.

Do you remember the quantity of lace?—I cannot ſay.

Was it once, or twice, or three times?——Three times.

Mr. Garrow. The lace that you received, you delivered to Mrs. Samuel?—Yes, I did not meaſure it, or take any particular notice of it.

How much had you from Mrs. Samuel?——The ſame I gave her.

You underſtood this was a bit of ſmuggled lace, did not you?——Yes.

FRANCES GATES *ſworn.*

What age are you?—Going on fourteen.

Do you know the nature of an oath, what will become of you if you take a falſe oath?——I ſuppoſe if I take a falſe oath, that

that I ſhall be damned, I am ſervant to the profecutor, the priſoner made me take the lace.

How?——Sometime in February, I believe ſhe told me anything I could get would be of ſervice to her, and I took about a quarter of a pound of Engliſh cotton, and I took ſome thread lace out of a preſs, the keys hung up in the parlour.

Who told you to go for the keys?—The priſoner at the bar told me to unlock that preſs, and to take out ſome lace and give it to her.

Where was the priſoner?——She ſtood in the yard, and took the lace from me.

Whereabout was the preſs?——The cloſet in the back parlour.

How long ago was this?—It was ſince April.

Mr. Garrow. Now you muſt know you was committing felony at this time?—She ſaid, if I told, I ſhould be hanged, but ſhe ſhould not be hurt.

She told you this before you took it?—No, Sir, after I had taken it.

How ſoon did you tell anybody?——I did not tell it at all till it was found out, I was afraid.

Was you taken up?——No, Sir, that young lady carried me to my aunt's, and they kept me up ſtairs I believe from about two o'clock, till about eight or nine at night.

Did they give you any victuals?—No, Sir, I was not to have victuals till I told, I did not ſay a word about it all theſe hours, for I was afraid to tell.

At eight o'clock what did they do to you, what did Miſs De Charmæ ſay to you, who was with you?——My aunt, ſhe aſk-me about it, and I ſaid, I knew nothing about it.

What did they ſay was to become of you that night, if you did not tell?——That I was to go to Bridewell.

And what afterwards?——That I was to ſuffer the law.

Did you underſtand that you was to be hanged?—Yes, and they told me that if I told, I ſhould not be hurt.

Then in conſequence of that to ſave yourſelf, you told it?——Yes.

You never told it before?—No.

How many months was this after you ſtole the things?——No months at all, I ſtole them the week before.

When did you talk this matter over laſt with your maſter and miſtreſs, laſt night or this morning?——We did not talk it over.

When was it you laſt talked it over with Miſs De Charmæ?——I was here all day yeſterday waiting for the trial.

What did they ſay to you about the evidence you was to give to day?——It was to tell all I knew.

Did they put you in mind about it?—No, Sir, they did not, the priſoner uſed to pinch me, and make faces at me.

Then you did not like her, ſhe uſed you ill, did not ſhe?—She uſed me ill enough.

You hated her abominably, did not you?——I did not like her.

When was it ſhe pinched you, and made faces at you?——To oblige me to ſteal them.

Did the priſoner ever give you anything for it?——No.

Court to Profecutrix. From whom had you theſe laces?—They were brought back by the witneſs Pennington.

Ann Pennington. I gave the laces to Mrs. De Charmæ.

Mr. Garrow. Can you ſwear that theſe laces that Mrs. Samuel gave you are the ſame?——Yes, by the length they are the ſame, I did not meaſure them.

Then how can you ſwear to the length?——The priſoner told me the length.

Court. Were they of the ſame quality and ſort?——Yes.

Do you believe them to be the ſame?—Yes.

Jury. How long were they at Mrs. Samuel's?——A week, I do not know what has been done with them to night, I know the pattern.

Is it any common pattern, or is there anything curious in it?—Not very curious.

Profecutrix. This is my lace, I can ſwear to it, the patern is familiar to me.

Ha

Have they any ſhop marks on them?—No, they have taken away the ſhop marks and private marks.

Mr. Garrow. Thoſe that you loſt, you loſt with a private mark, and Cuſtom-houſe mark?——Yes.

How often do you take an account of your ſtock?—Once a year.

Court to Priſoner. What have you to ſay for yourſelf.

Mr. Garrow. My Lord, I humbly ſubmit to you, here is no evidence to put the priſoner on her defence, the property is not proved, that theſe are the ſame laces that were given to Mrs. Samuel.

Mr. Juſtice Buller. He has ſpoken as much to the property, as a perſon can do to property of that nature, Pennington ſwore, ſhe ſold ſome lace which ſhe received of the priſoner to Mrs. Samuel, ſhe demanded that lace of Mrs. Samuel, and received it back again; therefore, if there is any chaſm, it is in Mrs. Samuel; therefore, it is ſtill a matter of fact, of which the Jury are to be ſatisfied, whether it is the ſame lace.

Mr. Garrow. Then I ſubmit that the evidence goes to prove a receiver if it proves anything.

Mr. Juſtice Buller. No, the priſoner firſt of all tempted the girl to take the lace, and the priſoner herſelf ſtands in the garden at the time, and receives it from her out of the window.

Mr. Garrow. Mrs. De Charmæ, how long had the priſoner lived with you?——Eight months, and we took her to be very honeſt.

The priſoner called three witneſſes who gave her a very good character.

The Jury retired for ſometime, and returned with a verdict

GUILTY.

She was humbly recommended to mercy by the Jury.

To be confined to hard labour three years in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

647. SUSANNAH SPENCER was indicted for feloniouſly ſtealing, on the 28th of May, one pair of metal ſhoe buckles, value 2s. two pair of cotton ſtockings, value 2s. one handkerchief, value 3s. two remnants of muſlin, value 1s. a cap, value 1s. 6d. a ſilk purſe, value 6d. one piece of thread edging, value 1s. the property of Sarah Rainsford, ſpinſter; and a ſilver milk pot, value 10s. one ſilver table ſpoon, value 6s. two tea-ſpoons, value 6s. a pair of ſugar tongs, value 10s. a ladle, value 2s. the property of Sarah Harding, ſpinſter, in her dwelling-houſe.

(The witneſſes examined apart at the priſoner's requeſt.)

SARAH HARDING *ſworn.*

I live in Charlotte-ſtreet, I am a ſingle woman, I loſt the things mentioned in the indictment.

What is the milk pot worth?——Four ſhillings, the two table ſpoons, value four ſhillings, the ſugar tongs coſt me half a guinea, they have been in uſe ſometime, a ſilver ladle, value two ſhillings, theſe things have been in conſtant uſe in the kitchen, I loſt them the 28th of May, they were in uſe at tea about half after five, they were taken away I believe between the hours of ſix and half after ten; I let part of the houſe to one Mrs. Rainsford; I was ſitting in the front parlour, and I heard ſoebody ſcreaming up ſtairs, I ſaw the print of ſomebody's foot in the bed room, and the ſervant girl ſaid, as ſhe ſtood on the ſtairs, a ſmart dreſſed man in ſilk ſtockings, and nankeen breeches ran by her, and held up his clothes, and ſhe believed he had flannel ſhoes on, he went out ſoftly; we went up ſtairs and ſearched the houſe, and did not find anybody, we thought it very odd the girl did not get ſtruck by the man; at half after ten we got ſomebody to ſearch the houſe, and while we were gone up ſtairs we left the priſoner below knowing her to be with child, ſhe ſaid, ſhe was a married woman, when ſhe came into the houſe, ſhe was Mrs. Rainsford's ſervant; when we came down again, we ſaw the back door

open, ſhe ſaid ſomebody had gone out, we began to ſuſpect her, as ſhe did not give any account of who her huſband was, in the priſoner's pocket there was a ſmall parcel, which ſhe made a little heſitation to let me look at, and it did not belong to me; this was on Saturday night, we got a perſon to ſit up in the houſe all that night, ſhe ſaid, ſhe had loſt her gown and her wedding ring, which was tied up in a ſilk handkerchief; when we went into the garden, the firſt thing we found was the priſoner's gown, which ſhe ſaid ſhe had loſt; Mrs. Rainsford brought down a parcel to me, which ſhe ſaid, ſhe found under the mattraſs, ſhe never would ſay who her huſband was; Mrs. Rainsford ſaid, they were her things, and ſaid to her, Betty you are the perſon that have got the things; ſaid ſhe, he made me do it, he would have murdered me laſt night, if I did not let him come in and take the things, ſhe ſaid, I have ſaved you for a week; ſhe gave the man's name and addreſs to the conſtable, that was the man, ſhe ſaid, ſhe was with-child by, ſhe confeſſed to the conſtable that the man had hid the ſilver things in the duſt, and they were found there on Saturday about noon, that place was between the paſſage leading to the garden and the kitchen.

JAMES PARKE *ſworn.*

I found this plate in the coal-hole, and ſome muſlin, part up ſtairs, and part in the kitchen; I found it there on the 28th of May laſt, part of theſe things I took out of the box; I do not know the priſoner.

(The things depoſed to.)

Mr. Keys, Priſoner's Council. I believe you ſaid, the priſoner confeſſed ſomething to you?——Yes, ſhe ſaid that ſome man had prevailed upon her to let him in to rob her miſtreſs.

What promiſe had your made her, if ſhe would confeſs?——That I would not ſend for a conſtable.

At what time did you loſe this plate?—Between five and ſix, the things were hid at that time.

Court. Did you find theſe things hid in the duſt-hole in conſequence of what the priſoner told you?—Yes, if the man had not taken them away.

Now this houſe you live in there are a great many people come there?——I dare ſay there may.

SARAH RAINSFORD *ſworn.*

I live in this houſe; I loſt thoſe things that are here, they were under the mattraſs.

MARY FLETCHER *ſworn.*

I am ſervant to Mrs. Harding; I was at the houſe the time the priſoner made the firſt alarm, and ſaid there was a man in the houſe, ſhe called to me, I was buſy and could not come; ſays ſhe, for God's ſake come up! I came to the yard door, ſhe ſeemed to be ſadly frightened, ſhe ſaid ſhe was going up ſtairs to her miſtreſs's rooms, and ſhe ſaw a man paſs her elbow, he did not make two ſteps from the ſtairs to the ſtreet door; ſhe ſaid ſhe believed he had cloth at the bottom of his feet, ſhe ſaid ſhe was ſo frightened; I immediately ran to the ſtreet door, and ſhe ſaid ſhe was afraid her miſtreſs had loſt her gold watch, ſhe looked about and ſaid ſhe would touch nothing; when her miſtreſs came home ſhe had the watch, but miſſed two gowns and a petticoat, which her miſtreſs found under the ſopha, and under the bed we found a petticoat; when her miſtreſs came home we went and ſearched the houſe, but ſaw nobody; in about half an hour her miſtreſs was obliged to go out, and was out till half paſt ten; I ſaw no man, nor heard any.

Court to Mrs. Rainsford. Did you ſee any man in your houſe?—Yes, I thought I did, but I was ſo frightened.

ROBERT HANBURY *ſwear.*

I was called for on the 28th of May, to No. 83, in Charlotte-ſtreet, I ſent for an officer, as I was not in office, and I ſaw him ſcratch the plate out of the duſt-hole; I have the things in my pocket.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

648. FRANCIS PRIMROSE was indicted for burglariously and feloniously breaking and entering the dwelling house of John Beaumont about the hour of twelve in the morning, on the 2d of June, and feloniously stealing one canvas bag, value 1d. twenty eight pounds of soap, value 14s. one cloth apron, value 1s. one cotton check apron, value 1s. his property.

JOHN BEAUMONT *sworn.*

On the 2d of June my house was broke open, my apprentice was last up the night before, he is here: about six in the morning we were alarmed; my servant alarmed me first, he called me out of bed; the cellar window appeared to be forced open by some kind of an instrument, it had been fastened by two bolts, which were forced back: I lost the things mentioned in the indictment, but the tobacco I lost was my greatest loss; I was directed to the King's Arms, there I saw my sack, and some soap; I went home, and there I saw I had lost some soap: the sack was marked J. H. on one side, and J. Hogskins on the other, that sack was in my house before the robbery; I cannot say positively who it came from, it was there the day before, I am sure of that, I look upon it it came from Mr. Stone, because I had some bags from him.

What was in the sack?——The shag tobacco.

How comes it there is no tobacco in this indictment?——Because it was found in the street; there was some soap without a mark, common yellow soap, not in the sack; the prisoner was in the house when I found these things.

What did he say or do?——He did not say anything to me there, there were other people there.

What connection had he with the sack or the soap?—None that I know of.

Mr. Garrow, Prisoner's Council. Are you a licenced dealer in tobacco?—There are no licenced dealers.

ANN BEAUMONT *sworn.*

The night before the robbery the boy was working very late, and the shag tobacco Mr. Beaumont is speaking of was not finished till ten, or a quarter after ten at night; it might be a hundred and a quarter, I believe we were all in bed by eleven, and in the morning the boy came and called out, Sir, Sir, Lord Jesus Christ! I thought it was a fire, and I jumped out of bed in my shift, and went into the kitchen, I missed a coloured apron, they had wrenched open a board and bolt.

JONATHAN BARRINGTON *sworn.*

I am apprentice to the prosecutor, I was last up in the house that night, and first up the next morning; I went to bed a little after ten, and fastened all the doors and windows up, I am sure of that.

Did you fasten the cellar window in particular?——I always fasten it every night, and I did so that night; I got up about six, and I found the wine cellar door pushed too, and all the shag gone; the back door was fast, and the shop door was fast, and I went into the street, and saw the cellar window broke open; I know the shag was lost, and the sack.

Mr. Garrow. What was you doing to the shag?——Drying it.

How came it wet, it was a matter of moonshine, was not it now, upon your oath do not you know it was smuggled tobacco?——I do not know.

I ask you upon your oath, do not you know it was smuggled?——No.

Who brought it?—I help to manufacture it.

Why the smugglers brought it?—I do not know who brought it; my master deals with Mr. Robinson in the Borough.

Did this come from him?——I cannot say particularly.

Did any of Mr. Robinson's people bring it?——I cannot tell you.

Do not you know upon your oath?——Not particularly I cannot speak to it.

Upon your oath when was it your master

master desired you not to tell who brought that tobacco?——He never desired me not to tell nothing about it.

How many different parcels was it brought in?——I cannot tell you that.

Was it brought in one parcel, two, or three, or a dozen?—I cannot tell.

What time of day was it brought?

Court to witness. You must answer the question, if not I shall commit you to Newgate. Do you, or do you not know?——I do not know.

Upon your oath?——I do not know Sir, indeed; I know there is never none brought by night, because I should hear it.

Did you hear who brought this tobacco?——I did not hear.

Nor see?—Not in no night.

Did you in the day?—Yes, I did.

What time of the day was it brought?—I cannot particularly tell.

Who brought it?—Some of it had been in the house these three months.

I ask you who brought the last quantity, will you answer or not?—I will as far as I can.

Who brought that tobacco to your master's house? come, Sir, speak out!

Court to Mr. Newman. Take him into custody, commit him to Newgate.

Has there never been tobacco brought into your house from the Custom-house keys?——No, Sir, if the people came to my master's house, he always turns them away.

Did not this tobacco come from the keys?——Not to my knowledge.

Who brought it, will you swear upon your oath, and at the risk of being prosecuted for perjury, that you do not know?——It had been there sometime.

Do you or do you not know who brought the tobacco?

Jury. How old are you?—Near nineteen.

Then answer the question directly!—Not particularly, I cannot say, I know my master buys some sometimes, I do not know who brought that, that was in the house, I only had to cut it, I do not know particularly who brought it.

Do you know or do you not, once more?——My master bought some of a man at Wapping, I believe that was amongst it.

Now, who was the man?——I know he lives in Wapping.

Do you know his name?——His name is Forsyth.

JOHN OSBORNE *sworn.*

I am a house-man in the watch-house of St. John's, Wapping; as I was sitting at the watch house door at two in the morning, I saw the prisoner coming by with a load, and I detained him; he said he was going home; he said he had a bit of soap in a bag, there was nothing else; I did not examine him any further.

WILLIAM WHITEWAY *sworn.*

I was headborough of the night, the 2d of June, on my return, I found the prisoner stopped with some soap, which he said he had brought from board a vessel, I believe he said a French vessel, I removed him to our lower town watch-house, and in going along, I observed something bulky in his coat pockets; I searched him, and in each of the pockets of his coat I found an apron, which the prosecutor's wife swore to the next morning, I took him to the office; the King's Arms is opposite to it; he said he had the aprons from the same place where he had the soap, on board the ship; this soap, and the apron, and the bag of tobacco, another watchman had stopped another man with a bag of tobacco on his back, and the other man who had it ran away.

Court. Let me look at the two aprons before I examine the woman.

Court to Mrs. Beaumont. Did you see any of the things afterwards that the constable found on this prisoner?——I saw them at the Justice's.

Do you know any of them?—Nothing but the two aprons; one was a very dirty check apron, a little daubed with red paint; the other was a rough-dry white apron, which was full of iron-mould, which I had folded up and hung over

chair; here is the fellow apron to the check, the coloured apron has no mark, but diaper tape at the top, and ſeamed up the middle with blue thread, I ſeamed it myſelf, I can ſpeak to it being my own work.

(The aprons depoſed to.)

Mr. Garrow. You told me twice, it had no mark.

Court. If it has a mark, what is the mark?—I cannot ſay, I have had it theſe dozen years; I think one mark is an M; I am not ſure, the aprons I bought out of pawn, and I cannot ſay, it is ſuch a quantity of years.

Is this an M?——No, it is not, I have one that has an M. it is a very old apron.

Court. But if you have had it ſo long you muſt have taken notice of it?——I know it by the iron-moulds, and being rough-dried; I can ſwear to my own work, I darned it myſelf.

Mr. Garrow. Now about this ſame blue apron, is that an old one?—No.

Do not twenty women ſew check aprons with blue thread?—I do not know.

Now is this ſaid diaper tape a curioſity?——It is very dear, it is not extravagant, they laſt ſo much longer.

PRISONER's DEFENCE.

I am a waterman by buſineſs, I belong to a watch club.

Court to Proſecutor. You cannot ſwear to the ſoap, I ſuppoſe?—No, Sir.

The priſoner called three witneſſes who all gave him a very good character.

GUILTY **Death.**

The priſoner was humbly recommended to mercy by the Proſecutor.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

649. JAMES DAVIS was indicted for feloniouſly ſtealing on the 31ſt of May fifty-nine pounds weight of lead, value 5s. belonging to Charles Blakey, then and there affixed to his dwelling houſe, againſt the ſtatute.

THOMAS ROGERS *ſworn.*

On the 31ſt of May, in the morning, between two and three, I was alarmed by a dog that Mr. Blakey keeps in the back part of his houſe, which adjoins to mine, in Golden-lane. I got up and looked through my window, I ſaw nobody at firſt, but the third time I looked the priſoner was dragging a piece of lead out of the gutter into my yard, I ſaw him ſtanding on a bench, then I ſaw him ſtamp upon it to bend it together; I did not ſee him ſeparate the lead, I got up twice, but could not ſee him, there was 56lb. of lead, it came undoubtedly from the gutter, the priſoner ſeeing me ſtooped down, I ſaid to him, are you a plumber at work here? and he ran away; I purſued him, I never loſt ſight of him; I am ſure he is the man, ſome more lead had been taken out of the gutter, it had not been repaired; I ſent the lead to Mr. Blakey, the lead anſwered to the gutter exactly, I meaſured it.

CHARLES BLAKEY *ſworn.*

This lead was miſſing on the 31ſt of May, I went in conſequence of an information to the houſe, and found lead miſſing from the waſh-houſe part of the gutter; I did not meaſure it to the gutter.

PRISONER's DEFENCE.

I was coming from the ſtreet where I lodge, ſeeing the yard door open, I went in to get a drink of water, and I went out again, and this man called out to ſtop me.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

650. ANN SHELDON and MARY wife of JOHN WILLIAMS, otherwiſe MARY WILLIAMS, ſpinſter, were indicted for feloniouſly ſtealing on the 26th of May laſt, nine linen handkerchiefs, value 18s. nine other linen handkerchiefs, value 9s. twenty-ſeven yards of ſtriped cotton, value 50s. three yards and a quarter of book muſlin, value 16s. the property of Edward Gibſon, privately in his ſhop.

——— NICHOLSON *ſworn.*

The priſoner Sheldon came in firſt, and not two minutes after the other priſoner followed her, I thought they did not belong to each other, Sheldon aſked to look at ſome handkerchiefs, I took down conſiderable qu ntities, I do not know how many; the other came in before I ſhewed her the handkerchiefs, and ſat down about two yards from Sheldon, cloſe to the wall, where three or four whole pieces of cotton lay; Sheldon was difficult in being pleaſed with the handkerchiefs, it was ſome time before we could agree, and I was obliged to attend ſome other cuſtomers that wanted flannel, when I came back, I ſold her two handkerchiefs.

Who was in the ſhop with you?—Only Mrs. Gibſon, at that time, in the courſe of ſelling the handkerchiefs the two priſoners talked to each other, and became acquainted, which I was rather ſurpriſed at, and ſhe aſked to look at ſome muſlin for a cap border, I ſhewed her ſome, I counted the quantity as I laid them down by her, there were eight quantities, ſhe ſeemed very difficult, and we parted, ſhe only wanted one-eighth of a yard, and when they were going out, I counted the quantities of muſlin and there were only ſeven, the little one called the other Mrs. Cooke, and they talked as knowing one another, they went to the door together, and the little one Williams went out firſt, and made off as faſt as ſhe could, the other followed her, but as ſhe was going out I miſſed the muſlin; I ſays to Mrs. Gibſon, you muſt take care Madam, theſe people have ſtole a piece of muſlin, and I went after her to the next door and ſtopped her, and took her into that ſhop, I told them to take care of her till I came back; I overtook the other about fifty yards off, ſhe was going through a paſſage, and making off as faſt as ſhe could, I brought her back, as ſoon as ever I brought Williams in, ſhe dropped a piece of cotton below her cloak, ſhe ſtooped down againſt ſome glaſs and things in the ſhop, and dropped it, I am quite ſure of that.

What did you find under her cloak where ſhe dropped it?—It was my cotton, it was my mark upon it, the officer was ſent for, and the book muſlin was found inſide Williams's petticoat at the upper part; upon the other priſoner there were two parcels of handkerchiefs, thoſe I found in Mr. Holmes's ſhop cloſe by her; they begged for mercy, and acknowledged themſelves guilty, there was no promiſe of favour, I am very ſure of that.

Did you ſee them take any thing?—No, I did not know or perceive that they had taken anything.

Mr. Garrow. Have you never ſaid, that you ſaw them take anything?—Never.

Did you never ſay that you had laid a trap for them and had caught them?—No, the reaſon I had to take them, I miſſed the piece of muſlin by the number.

Mr. Garrow. This is a charge againſt the priſoners for ſtealing all theſe things; It has been held over and over again that two perſons cannot do this, in the firſt place the priſoner Williams is proved by this witneſs to be in a ſituation where ſhe might ſteal cotton, the other where ſhe could muſlin, neither of them in ſituations where they could ſteal the others.

Court. Can you mention any circumſtance where it has been ſo held; as to your firſt objection, I am at the ſame time aware that there have been caſes where two perſons have been guilty.

Mr. Shelton. In ſtealing from the perſon, but not the ſhop.

Mr. Garrow to Nicholſon. Recollect and tell us, whether the next morning after the loſs of theſe goods, you did not ſay you had obſerved theſe things taken, but you

was adviſed not to ſay ſo, that it might be a capital offence?——No, Sir, I am ſure I did not.

HENRY PIPER *ſworn.*

On the 26th of May laſt, I was in Mr. Holmes's compting-houſe, Mr. Nicholſon came in with the priſoner, and ſaid, take care of this woman, ſhe drew rather on one ſide, I pulled her away, I then ſaw two pieces of handkerchiefs at her feet, I ſaid, Oh, theſe are what you have dropped, the handkerchiefs were delivered to the officers, they are the ſame that had dropped from her.

JOHN EDWARDS *ſworn.*

Theſe were delivered to me by ſomebody at Mr. Gibſons, but I cannot ſay who delivered the cotton or the handkerchiefs, it might be Mr. Nicholſon.

—— *Nicholſon.* I delivered the handkerchiefs and cotton, they were all marked before they were loſt.

Court. What is the value of theſe things at a low valuation?——They are valued at prime coſt.

JANE LATHAN *ſworn.*

I know Mrs. Sheldon three years, a very honeſt, hard working woman, ſhe takes in waſhing, and waſhes for me.

WILLIAM PITT *ſworn.*

I am a ſhoe-maker, I know Williams, ſhe is a very good kind of woman, ſhe worked for me in the buſineſs of binding ſhoes.

MARY WILTSHIRE *ſworn.*

I have known Williams about two years, never heard anything but what was very honeſt, binding ſhoes, and needle work.

The priſoner called one more witneſs who had known her fifteen years, and gave her a good character.

BOTH GUILTY.

Of ſtealing, but not privately.

Tried by the London Jury before Mr. RECORDER.

651. DANIEL RICHARDSON and SAMUEL GREENOW were indicted for feloniouſly aſſaulting John Billings on the King's highway, on the 10th of June, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a piece of broken ſilver coin called a ſixpence, value 4d. and five copper halfpence, value two pence halfpenny, his property.

(The witneſſes examined apart at the requeſt of the priſoners Counſel.)

JOHN BILLINGS *ſworn.*

I am a journeyman to Mr. Goodman, baker, in Church-ſtreet, Mile-end Newtown; I was robbed this day three weeks very near one in the morning, as nigh as I can gueſs, in Pelham-ſtreet, I was ſent out to ſee for my maſter who had been a fiſhing, and going to the public houſe, I was robbed by two men, they came to me and aſk me what buſineſs I had there, I thought they were two patrols, or two bye watchmen; I made them very little anſwer, and they aſked me if I had any money in my pocket, I ſaid, two pence halfpenny, the other ſays, if he has no more do not take that, the other ſearched for my watch, and could not find it; they were both very much in liquor, and began to ſwear at me, that they could not find my watch; then they went away, they had got my money out of my pocket, and a key, and I aſked them for my key, and they returned that again.

Which of them was it that ſaid, if he has not any more money do not take that?——I think that was Richardſon, but I am not ſure.

How did they get at the money?—They both ſtood by me, and with huſtling me whether this took it out, or the other took it, I cannot be right poſitive.

Jury. Did not they tell you to ſtop?——No, they aſked me what buſineſs I had there, I was for turning up another ſtreet, but they turned me up Silver-ſtreet, when they returned me the key, they went off.

Priſoner.

Priſoner Richardſon. He told the Juſtice he thought it was two dyers.

Proſecutor. I am not poſitive whether they were weavers or dyers, nor as to the perſons of either of them.

JOHN WHISKER *ſworn.*

This is what I took from the priſoner Richardſon, I and one of the patrols of Spitalfields took it from him this day three weeks, a little before one in the morning; we were going our rounds, and happened to ſee the proſecutor, who ſaid he had been robbed by two fellows, one had got a bundle and the other had not; we aſked him which way he thought they were gone, and he pointed up the ſtreet, and we purſued them, and in about two hundred yards, we ſaw theſe two men ſtanding up nigh a wall, and I ſtopped Richardſon, and in ſearching of him, theſe halfpence, and the piece of ſixpence dropped out of his waiſtcoat pocket, I took it off the ground.

Richardſon. He ſaid firſt, he found it in my right hand waiſtcoat pocket, and I ſhewed him I had no pocket in that waiſtcoat, then he ſaid, he picked it off the ground.

Mr. James, Priſoner Richardſon's Council. When you came up to Richardſon, he was ſtanding ſtill?——The officer came up to him before me, when I put my hand in his pocket, the halfpence and piece of ſixpence dropped down.

In that pocket there was a great hole?——Yes.

Richardſon. I know nothing of this priſoner Greenow.

Mr. Garrow, Priſoner Greenow's Council. Pray who pays the expences of this proſecution?——Billings is to pay it, he paid for the bill being found, we paid our own expences, and the proſecutor paid us.

Have you ſettled what ſhare of the reward you are to have if it goes on?——No.

Mr. James. When you was before the Juſtice, you did not ſay that you found the money in Richardſon's pocket?——I ſaid, the money was in his pocket, and in ſearching his pocket it dropped on the ground, when I put my hand into Richardſon's pocket I found ſome halfpence.

(The money produced and depoſed to.)

Proſecutor. There was two pence halfpenny and a farthing, or three pence and a farthing in copper, and there was one halfpenny bent both ways, it was rather crooked, I cannot ſwear to the halfpence, they look to be my halfpence, and the ſixpence looks to be the ſame.

Court. You ſaid nothing about the ſixpence at firſt.

THOMAS DAVIES *ſworn.*

I was the officer of the night, I was going my rounds with the patrol, we met the proſecutor, he ſaid, he had been robbed by two men, one of them had a bundle with ſomething in a handkerchief; we followed them down the next ſtreet, I thought I heard them, and we went up the ſtreet as faſt as we could go, they were ſtanding againſt a wall; I laid hold of them, one of them who had a bundle, and the patrol ſearched them while I held them, and putting his hand in his pocket the money fell down on the flag-ſtones.

Court to Jury. Gentlemen, both the priſoners muſt be acquitted, the point of law goes to the acquittal of both of them; for the boy ſays, when they came up, they accoſted him in an inſolent way, and they aſked him for his money, but when he ſaid he had but two pence halfpenny or three pence, one of them ſaid, do not take that; therefore, ſuppoſing two men attacking a man with intent to rob him, if one repents in the moment if the other man takes the money yet it will be no crime in him who changes his mind; but, ſays the proſecutor, which it was that took my money I cannot tell: this is like a caſe from Ipſwich, where five men were indicted for murder, and it appeared upon a ſpecial verdict, that it was murder in one but not the other four, and the Jury had no evidence which committed the blow, and ſays the Court, if you cannot poſitively ſay by evidence which is the man that is guilty we cannot puniſh any one; beſides, in the ca

taſe, the boy was pointedly examined about the ſixpence, and ſaid nothing of it at firſt, and after that it is material for the ſake of juſtice that you ſhould not ſuffer him to mend his evidence in ſo eſſential a point as the property which was loſt, and he expreſsly ſaid at firſt that he loſt only twopence half-penny.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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652. ELIZABETH CLARKE was indicted for feloniouſly aſſaulting Elizabeth, wife of John Ewen on the King's highway, on the 7th of June, and putting her in corporal fear and danger of her life, and taking from her perſon, and againſt her will, one black ſilk handkerchief, value 10d. his property.

ELIZABETH EWEN *ſworn.*

I am the wife of John Ewen, I bind ſhoes, my huſband is an ivory cutter; I was going out at eight in the morning to get ſome tea and ſugar for breakfaſt, on the 7th of June, I had the tea and ſugar in my apron, and this woman came by me and called me gallows Beſs, and damned me, and told me the handkerchief would look as well on her neck as mine, and tore it off my neck, and went into the public-houſe, I went up ſtairs directly to hide myſelf, being without my handkerchief; I never gave her an angry word.

She was a little drunk I ſuppoſe?—Very like ſhe might.

What is the priſoner?—I have no acquaintance with her, till ſhe abuſed me two or three times; ſhe came and abuſed me ſeveral times before; I believe the man that is now my huſband is the man that ſhe had lived with; ſhe ſaid I had no right to him.

Had ſhe any other claim to him?—No other than living with him now and then. I never got my handkerchief.

Court. Gentlemen of the Jury, this is nothing like a highway robbery.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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653. REBECCA, the wife of WILLIAM NOAH, was indicted for feloniouſly ſtealing on the 7th of June, one canvas bag, value 1d. half a crown piece, value 2s. 6d. a French ſhilling, value 10d. ſix pieces of foreign ſilver coin, value 15d. and five guineas, value 5l. 5s. and half a guinea, value 10s. 6d. the property of Chriſtopher Andrews, in the dwelling houſe of Henry Dickhouſe.

CHRISTOPHER ANDREWS *ſworn.*

On the 7th of June, I loſt the things mentioned in the indictment, at the houſe of Henry Dickhouſe, between five and ſix in the afternoon, I called for ſix pennyworth of rum and water in this houſe, and I took out my purſe to pay for it; I gave him a ſhilling, he returned me the change, immediately a girl who ſat at my left hand took the purſe out of my hand, and conveyed it entirely away, I could not come at it, ſhe paſſed it away in a moment by ſlight of hand, I never got it again; nobody was in company with me but the priſoner, ſhe followed me without aſking my conſent.

Did you conſent, had you any converſation with her, did you give her a little rum and water?——Yes, I did, nobody was nigh her, a conſtable came and ſearched her, and it was not found, all ſhe ſaid to me was ſhe ſwallowed it.

Was not you boaſting of your riches?——No, I am not a rich man, it was all I had but a few halfpence; I am a King's pilot, I came up from the ſhip that day, that was the money I took, and ſhe got it all.

Were you in liquor?——I was not really ſober, but I was not much in liquor, I held her till a conſtable came.

HENRY DICKHOUSE *ſworn.*

I am the landlord of this houſe, the man came in, and aſked for ſixpennyworth of rum and water, I made it him, and this woman came in and ſat down by him, and he ſaid to her, give me my guinea; I gave you a guinea for a ſhilling, ſhe ſaid no, he gave me ſixpence for the liquor, and I went away, and by and by I heard him ſay you have robbed me, he had hold of the woman; I enquired what was the matter, and ſent for an officer directly, he had the purſe in his hand when he paid me the ſixpence, and ſome more money in it, but what is become of it I do not know.

PRISONER's DEFENCE.

The gentleman aſked me to go in and drink, I ſat down by him, ſays he I know I gave you a guinea inſtead of a ſhilling, ſays I, Sir, you did not, I have no pocket on, ſo he tore my gown, and got knocking me about, and an officer came and ſearched me, and pulled off my ſhoes and ſtockings, and ſtripped me from top to toe; he then ſaid, if I could make up three guineas I ſhould not go to gaol, and the Juſtice put me back from twelve to ſeven.

Proſecutor. I did not, a friend of mine did; ſhe told the Juſtice ſhe took the money and would keep it.

ROBERT FOGG *ſworn.*

I was coming in to get a pint of beer, and the proſecutor called for ſixpennyworth of brandy and water, ſo ſays he you ſhall pay for it, and he tore her gown.

The priſoner called five witneſſes who all gave her a good character.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

654. JOHN BERRY was indicted for feloniouſly ſtealing on the 11th of June, one ſilver watch, value 30s. the property of Henry Lane, privily from his perſon.

HENRY LANE *ſworn.*

I am a ſeaman, I have been ſeven months at ſea, and I went on ſhore to drink with my ſhipmates over night, that was on the 10th of June, I went home with a young woman as I knew very well, and ſlept with her, I got up the next morning, I thought a little more liquor would do me good, and I went to have a little more drink at the Barley Mow in New Gravel-lane, this was the morning between five and ſix, the priſoner came in, and I gave him what drink I had left, and I told him to drink it up, for I was in a hurry to go home, when I went to this woman's houſe I went to ſleep, I never ſaw him before; after I had been in about half an hour the young woman waked me, and told me I was robbed of my watch, which I did not find till afterwards they had ſent for ſome officers, which took the man, and we went to the Juſtice's, the young woman gave me the watch, while the officers were in the room; ſhe had ſtopped the priſoner at the ſtreet door, and locked it, and taken it from him, and gave it into my hand; I am ſure the priſoner is the man that was in the public houſe with me, but where ſhe got the watch I cannot tell.

JUDITH CUMMINS *ſworn.*

I am ſervant to the houſe in New Gravel-lane, where this young man was, I was getting breakfaſt ready, and I heard the young fellow had loſt his watch, and ſaid you ſhall not go with his watch, ſo he gave it me again, and I gave it to the proſecutor, the gentlewoman of the houſe ſent for an officer, and he was taken into cuſtody; the priſoner gave me the watch, he ſaid the proſecutor was a Briſtol lad, and ſaid he took the watch out of the young man's pocket for fear the woman ſhould take it, as he was coming down ſtairs, Lane came and laid down the long-ſide of the woman

woman, and Berry and another man came and went up ſtairs to another woman.

Proſecutor. I came away by myſelf, I am ſure I had never ſeen the priſoner before, nor never had any converſation with him, he aſked me what country lad I was, I told him I came out of Kent with a ſhipmate of mine that was there, he told him he came from Briſtol.

PRISONER's DEFENCE.

I was juſt come from the Eaſt-Indies, with Sir Edward Hughes, and I came to look for ſome prize-money, I got drunk, and ſpent all my money, I came into the Barley Mow telling my diſtreſſes, and this youth was drinking there at the time, ſo he left the houſe, and another man that was in the public houſe aſked me to go and take a walk with him, I ſaid I did not care where I went, and we went into a houſe, I thought he was acquainted, he took a girl out of the Barley Mow with him, and this proſecutor and a young girl was laying in bed together faſt aſleep, and we could not wake them, ſo he ſays to me, he will be ſerved as you have been, if he has any money, I will take it out, ſo he took his watch out of his trowſers, and he gave it me to hold, I knew nothing of it, when the proſecutor awoke, I told him his watch was ſafe enough, and was going to give it him, and this young woman fnatched it out of my hand, and gave it him.

——— COLE *ſworn.*

I produce the watch, which I had from the proſecutor.

(The watch depoſed to by the chain and ſeals.)

Cummins. I never ſaw the man with my eyes before he came from the Barley Mow with a young woman, and went up ſtairs.

How long was it when he came in after the proſecutor?——I was not in the houſe when they came in.

Was the priſoner in ſailor's dreſs at that time?——He had a long brown coat on, and brown trowſers, and white trowſers withinſide of them.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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655. THOMAS SMITH was indicted for feloniouſly ſtealing on the 22d of June five pieces of printed callico for gowns, containing twenty-four yards, value 4l. the property of John Hunt.

RICHARD BATES *ſworn.*

How old are you?——Between thirteen and fourteen.

Do you know the nature of an oath?——If I falſe ſwear myſelf I ſhall be perjured, and ſhall be puniſhed both here and hereafter. I was going up Holborn laſt Wedneſday was a week, to carry a parcel to Mr. Wilſon's, in Caſtle yard, I knocked at the door, the maid took the parcel, and gave me another to take back, which contained five chintz patches, I counted them myſelf, and was going back to Mr. Hunt's, in Wood-ſtreet, the priſoner overtook me, and clapped me over the ſhoulders, he ſaid, halloo my boy, are not you juſt come from Mr. Wilſon's, I ſaid yes; he then took the parcel from me, he ſaid, you muſt go back to Mr. Wilſon's, he took the parcel off my head, he ſaid he would give me ſix-pence for myſelf, but he gave me a ſhilling, then he ſaid do not you know me my little boy? juſt after he ſaid that a gentleman came up, and aſked me if I knew him, I ſaid no; the gentleman inſiſted upon Mr. Smith's going before Mr. Wilſon, to ſee whether he ſent him for the parcel; the priſoner ſaid he would go to Mr. Wilſon, and when he got partly up the hill, he did not like to go, ſo the gentleman laid hold of him, and made him go; juſt as we got to the houſe, I aſked him if Mr. Wilſon was at home, and he ſaid yes; ſays I, that cannot be, for he is not at home, ſo then he ſaid Mrs. Wilſon is, that is all the ſame.

Priſoner. I beg to aſk a queſtion, which I hope will appear particularly in my favour,

mary when I returned him the bundle I told him I presumed I was detained into custody, in consequence of which I desired him to go with me to Mr. Wilson; and going up Holborn-hill I desired the gentleman to stop, to let me look for the gentleman on the other side of the way, and the man that took me refused?—No, Sir, I do not remember that he did.

Prisoner. Recollect yourself my dear?—I did not hear that he did.

AARON EYLE *sworn.*

On Wednesday last but one, I was going on some business to Bloomsbury, when I was past the end of Fleet-market, about twenty or thirty yards above Fleet-market, I saw the boy which since proves to be Mr. Hunt's boy, coming down the flag pavement with a parcel on his head, I saw the prisoner in the horse-way, the first I saw of him was about three yards distance from the boy with the parcel, he was running, he came to the boy and put his hand to the parcel, I thought he was going to wrong the boy of the parcel, because I have heard of many such instances, the boy stood on the flag pavement, and to the best of my knowledge the prisoner had one foot on the kirb stone, and the other on the horse-way, I stepped between them, the prisoner had his head rather stooping down, I saw him with a shilling in his hand, and I saw him put the shilling in the boy's hand, and heard him say to him make haste, he then had the parcel under his arm, the prisoner said Mr. Wilson sent him, I asked the boy who that Mr. Wilson was, the prisoner answered, he lives in Castle-yard, Holborn; and the boy in the mean time laid hold of the parcel he had under his arm, and he let him have it, the prisoner agreed to go to Mr. Wilson, the boy put a question, did Mr. Wilson send you? the prisoner said, yes, the boy said that could not be for he was not at home, he said Mrs. Wilson sent him, that was the same thing, or words to that purport, the prisoner made many excuses not to go to Mr. Wilson's; one of us knocked at the door, the prisoner began, I spoke and the boy spoke, so there was such a confusion, that I believe Mrs. Wilson did not understand it at first, she said, the parcel was safe, and thought it better to let the man go; I took the prisoner to Mr. Hunt's, and related the affair there; the parcel was left in the care of Mrs. Wilson.

Prisoner. Did I desire to stop in the street to speak to anybody on the other side of the way?——I cannot positively answer that question, he did mention something about a friend.

JOHN HUNT *sworn.*

I know nothing of the robbery, the prisoner at the bar was brought to me charged with taking a parcel from a servant of mine, he acknowledged that he had taken the parcel, but was employed by an acquaintance of his, the bundle was left at Mr. Wilson's, in Castle-yard, I did not see it till the next day.

——— FLETCHER *sworn.*

The bundle was delivered to me before the Alderman, I received it from the clerk to the sitting Alderman.

——— WILSON *sworn.*

I cannot identify the parcel, I suppose the boy or Mr. Hunt can.

Was there any parcel that night to have gone from your house to Mr. Hunt's?—Yes.

Do you know the prisoner?—Not till this affair.

Did you ever send him?—I did not, nor did I send any body else.

Court to Ely. Was the parcel that was left at Mr. Wilson's, the same that you saw the prisoner have?—Yes.

MARY ALLEN *sworn.*

I delivered the parcel to the boy when he brought another, in about a quarter of an hour, I saw it again, the boy and that young man brought it back, I opened the door to him when they returned, and they left the parcel in the passage upon the bench,

bench, it was left at our house an hour or two afterwards in the passage, then it was moved into the office till the next day, my master had the care of it, it was the same parcel that was brought back, I opened it, and looked at it, this is the same I am sure.

Prisoner. I perceive Mrs. Wilson is in Court, and I wish to have her examined, if it is not intruding on the Court, and the Gentlemen of the Jury.

Mrs. WILSON *sworn.*

Did I say a person employed me to fetch the parcel, and give one shilling?——He said a person had sent him, a man had met him in the street and told him to give a shilling to the boy.

PRISONER's DEFENCE.

With submission, I trust the situation I stand in at present will plead my excuse for troubling the Court with a defence; permit me to inform you, that on the day this unfortunate affair happened (I am by profession a clerk, and out of employment) I met with a gentleman I personally knew, and he said how do you do Mr. Smith, how does the world go with you; he said will you give that boy a shilling, and desire him to go to Mr. Wilson's, I did so, and the boy gave me the shilling again and thanked me for the shilling; in consequence of this that man came up and asked the boy if he knew me, the boy said, no, I said, are you an officer, he said no, but he would go with me; I said, I see I have been led into an error, and going to St. Andrew's church, I stopped and asked to go across the way to speak to the gentleman that I saw, who employed me, but they would not stop, and I went to Mr. Wilson's, and I went to Mr. Hunt's, Mr. Hunt would have been very glad to have cleared me that night, I know the gentleman personally.

What is his name?——I do not know upon my word.

He knew your name it seems very well?—Yes.

How come you not to know his name?—I do not know.

Where have you been acquainted with him?—I presume in company with some of my friends.

Do you recollect any one person that ever saw you in company with this man?——I cannot; I have very good friends, but I did not communicate this circumstance to them, I have a wife and child, and they depend entirely on my support and industry.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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656. THOMAS SQUIRES was indicted for feloniously stealing, on the 17th of June, one linen handkerchief, value 2s. the property of John Crowther.

JOHN CROWTHER *sworn.*

Coming over London Bridge this day fortnight, about two o'clock, I suddenly felt a change in the weight on the right side of my coat, I turned about and I could not see no person near me, nor any person gone from me; a person pointed to the prisoner, and I took him to Alderman Saunderson, I was then going to Alderman Wright's, and in passing from the bridge up St. Martin's-lane, I was in conversation with the prisoner, and the person was saying, he believed the prisoner had made away with the property, and given it to another man; says the prisoner he is a false man, for the other man has not got the handkerchief, here is the handkerchief, he pulled it out and gave it to me; the handkerchief was mine, I took him to Guildhall and he was committed.

LANCELOTT HUDDON *sworn.*

I saw three gentlemen standing against the wall, and the prosecutor was coming by, I thought I saw the prisoner take his handkerchief, and put it behind his coat.

PRISONER's DEFENCE.

I saw a crowd of people, coming by the handkerchief was thrown down close to my feet, and I picked it up, when the gentleman came up to me, I gave him the handkerchief directly.

The prisoner called one witness to his character.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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657. SARAH HARRIS was indicted for feloniously stealing, on the 1st day of June, two linen sheets, value 7s. the property of Jacob Smith, being in a lodging room let to her by him, against the statute.

JACOB SMITH *sworn.*

I am a shoe-maker, I lived in Whitechapel between ten and eleven years, I let the prisoner a furnished lodging, the 1st of last January, by verbal agreement she staid in them four weeks and one day; I broke the door open on the Thursday following, and the sheets were gone, she went away on Sunday night late, or Monday morning, she said nothing when she went away, and took the key of the door with her; I never found them, they are worth seven shillings, the door was never open from the time she went away till I broke it open, I saw it every day; I met her in Whitechapel, not far from my house, and I went along with her to Fleet-market, for as I had no warrant, I did not know I had a right to take her, before we came to Fleet-market we had a pint of beer together, she paid a penny and I paid three farthings, she pretended she was waiting for her husband, then I went back with her to Smithfield, and some conversation passed again, she was asking me if I would sell my soul, and so forth; then we went into St. John's-street, and into the fields, and she said there was a magistrate sitting there to do business, then we went to the New-river, then we agreed to ask the first man that we saw, and that was a man that was hanging across a rail, we came to Hicks's-hall at last, I took her before a Magistrate, but I do not know his name, and she was committed that night in five minutes, the main thing she said was I am innocent, she paid two weeks lodgings, and left two unpaid; I delivered the sheets, I am a single man, the house was full of lodgers, married men and their wives, this woman told me she had a husband in the country.

Did you live upon terms of intimacy with her?—The woman was agreeable.

How happened you to be in this familiar way, drinking with a woman whom you charged with being a thief?—It was needless for me to think anything of a pint of beer.

Prisoner. Did not I leave the keys with you two days and two nights at different times?—She did once or twice at the beginning of the time.

PRISONER's DEFENCE.

I took the lodging of him by the week at two shillings a week, I told him we could get no work, and my husband went to the parish, I got up on the Monday morning, and I unlocked the door, I told the prosecutor he should not lose the money; Mr. Smith got out of bed and slipt his coat on, says I, I have not four shillings if it will save our lives, we went to the work-house, and were there eleven weeks; I never robbed anybody of a penny, I went all about Whitechapel, and then he met me, I am as innocent as any gentleman in Court.

Court to Prosecutor. Did you open the door yourself?——I broke it open myself I tell you, the Thursday after she was gone.

Did you ask her for any money to make it up?——The day before she was brought

brought to the magiſtrate again to be fully committed, I would have made it up that night for the exact money the ſheets coſt me.

Priſoner. He wanted ſeventeen ſhillings.

NOT GUILTY.

Tried By the firſt Middleſex Jury before Mr. ROSE.

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658. CATHERINE COLEMAM was indicted for feloniouſly ſtealing, on the 12th of June, ten ſhillings and ſixpence in monies numbered, the monies of Samuel Payne.

SAMUEL PAYNE *ſworn.*

I am a cheeſe-monger, the priſoner came into my ſhop on the 12th of June, at ten at night, and ſaid, Mrs. Cook would be obliged to me to let her have ſix or ſeven ſhillings in ſilver, Mrs. Cook is my oppoſite neighbour, and keeps a public houſe; as I was taking out the money, ſhe ſaid, if you can ſpare half a guinea's worth, my miſtreſs will ſend you over the half guinea preſently; I ſaid, you may have which you pleaſe, I aſked her if ſhe lived with Mrs. Cook, and ſhe anſwered, yes, ſhe went away, and my lad told me ſhe ran down the ſtreet, the boy purſued her, and ſhe was brought to my ſhop about half an hour after; in about five minutes I went to look after them, I miſſed them, and when I came back the priſoner was brought back; I deſired ſhe might be taken to the Juſtice's, or to the watch-houſe, ſhe was ſearched and there was ten ſhillings and ſixpence upon her, there was a ſixpence which I can ſwear to, which was in my till a fortnight or three weeks before, I do not think it is good ſilver.

Did you give her any ſilver then?—— Yes, I give her ten ſhillings and ſixpence, of her miſtreſs, Mrs. Cook.

Court. Gentlemen of the Jury, this is not a felony, the offence is that of a fraud obtaining money under falſe pretences.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. ROSE.

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659. ESTHER DAVIS was indicted for feloniouſly ſtealing, on the 31ſt day of May, eight ſhillings in monies numbered, the property of Henry Bottle.

(The witneſſes examined apart.)

HENRY BOTTLE *ſworn.*

On the 31ſt of May, I was coming up the Strand in the morning much about two, and a man aſſaulted me in the Strand, I had ſome property about me, there were three men, but one I charged the watchman with, and he was taken to St. Martin's watch-houſe, I went with him, I left four guineas and a half in gold, in St. Martin's watch-houſe, with the conſtable of the night, and I left the ſkirt of a lady's riding habit, a coat, and a pair of velveret breeches (I lodge at the Globe, in the Strand) for ſafety; I could not get in, but whether my wife was in bed or no I cannot ſay, I went into Drury-lane along with the patrol for ſafety, and I ſaw the priſoner and another with her; they aſked me, to give them ſomething to drink, I ſaid, I have no objection, will you have ſome gin, they ſaid they could not drink gin, they would have either peppermint or anniſeed, I cannot tell which.

Were the patrol with you when the women aſked you that queſtion?—Yes, I told them I am under the care of the patrol, and if he chooſes to ſerch it ſo be it, the women drank three penny worth, and the patrol two penny worth, I gave them a ſhilling to fetch it with; whilſt this was drinking the young woman the priſoner made free to lay hold of me, I was in liquor, ſhe put her hand into my pocket, I did not feel her.

Court.

Court. How can you say he did then?—I do not know, I know I loft feven fhillings and two fixpences, I had got upwards of fifteen fhillings and fixpence, when I loft my money, I had but feven fhillings left, I pulled out my filver at the watch-houfe, which they defired me to leave, I will not fwear to the money nor the woman.

Who are the patrols?——Richard Dorrington, and Matthew M'Kenzie.

Prifoner. He faid he had loft no money that night, and he would not go to the watch-houfe to maintain the charge.

Profecutor. I am clear I loft it, and in her company and nobody's elfe; I had the money in my pocket in Drury-lane, and when I put my hand into my pocket, I had more filver then, than I had afterwards; I found the door of the Globe open, and I went to bed.

MATTHEW M'KENZIE *fworn.*

I am patrol in St. Martin's parifh.

Who are you appointed by?——The parifh.

At the veftry or how?—At the veftry.

Then the veftry of your parifh have the appointment and removal of the patrol?—Yes, every quarter.

How long have you been a patrol?——About nine years; on the 31ft of May this man came to the watch-houfe with a man who attempted to rob him in the ftreet, and he gave charge, and he went with us, we would fee him home, becaufe he was very much in liquor.

Who went with you?—My partner.

What is his name?—Richard Dorrington; we went to his lodgings, they were fhut up, it was two in the morning, he wanted to go into the Red Horfe in 'Change court, we would not let him ftay there, we defired him to go with us as far as Drury-lane, and he fhould receive no hurt; we went up Drury-lane, and faw the watchmen on their duty, and returning back by Market court, we met two women, and they afked the man would he give them any thing to drink, and he faid he did not care; he afked them where they would go they faid over the way, and faid they fhould not go into any houfe, and he gave my partner a fhilling to fetch a quartern of peppermint for them, and a quartern of gin for me and my partner, and when my partner came back he gave him the change and my partner went home with him with the liquor was drank, and we were talking together, and this prifoner and the profecutor went down the court about three or four yards from us, and the woman that was along with her faid, let the man alone for he is under the care of the patrol, but my partner looked back and faw the woman by the wall put her hand in his pocket, and my partner faid, you wicked woman what are you going to rob the man before my face and he run and laid hold of her, and took feven fhillings and fix-pence out of her hand, and fix-pence dropped; and he faid I was going to rob her, for it was his own property.

Court. Do you know the prifoner?—Yes, a good many years.

Do you know her companion?——Yes very well.

What are they?——They are girls of the town.

Now, Sir, do you think you difcharge your duty in fuffering a man that is under your protection to be picked up by women of the town, and to ftop and drink in the ftreet at two o'clock in the morning?—It was between three and four in the morning.

Does that mend the matter?—No, Sir.

Is that the way in which you ufually difcharge your duty, and preferve the peace of the town, do you make a common practice of that?——No Sir, we do not indeed we thought no harm in it.

The concluſion of this Trial in the next Part, which will be publiſhed in a few Days

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol-Delivery for the CITY of LONDON;

AND

The Gaol-Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 29th of JUNE, 1785, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND,

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[PRICE SIX PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Eſther Davis.

Court. If that is the conduct of your nightly watch, I ſhall take care you ſhall not do this hereafter, for I ſhall repreſent it to St. Martin's pariſh.

RICHARD DORRINGTON *ſworn.*

I am a patrol, and have been ſo three years.

You are the gentleman who went with money from the man under your care to fetch liquors for the women of the town? ——We were coming up at two in the morning from the Strand, the watchman had got hold of a man for robbing the proſecutor, he gave me a ſhilling, and I went over and fetched the liquors, and brought the change to him, I was turning round and the other woman ſaid to the priſoner, that is too bad before the patrols; I ran up to her, and caught her hand out of his pocket, ſhe wanted to get her hand down.

Court. I do not wonder at women's robbing men before your faces, if you ſuffer them to pick up men in this manner?—There was no picking up, we did not ſuffer them to go out of our ſight.

So that the diſorders that are committed within your ſight are all proper, they ſhall be enquired into.

Priſoner. They attacked us about three in the morning, and the man went to fetch the liquor, the gentleman aſked me to go with him to the place, I ſaid I did not like to go, the other patrol ſaid he did not like to go, ſo he took me and pulled me three or four yards down, he was in liquor; he ſaid, I want to give them the bag, and the patrol ſaid, damn your blood, what do you want to pick the man's pocket, I have owed it you a long time; the proſecutor would not go to maintain the charge, he counted his money over, and declared he had not loſt a half-penny; two gentlemen of St. Martin's pariſh came up and ſaid why take the girl to the watch-houſe, ſhe is not guilty; they ſaid, damn your bloods I ſuppoſe you are parties concerned, we will charge you, which they did, they found they were pariſhioners of St. Martin's pariſh, and they begged their pardon; Dorrington had been at No. 10, in Bennet's Court, and he wanted a guinea and a half to make the affair up.

Dorrington: I am as innocent of this as God is in Heaven.

WINEFRED MARGATE *ſworn.*

I ſaw Dorrington the patrol laſt Monday at No. 10, in Bennet's Court, Drury

lane, he asked if the friends of this young woman could make up one guinea and a half, he would make up this affair, and would not appear against her, this is the man.

Who else was present?—There was another woman, but she is very ill, and could not come.

What is that other woman's name?—Elizabeth Lawless, I know her since she was a child, and she had good friends, she always bore a very good character, but is a poor unfortunate woman of the town; she goes by the name of Susannah Moore in our court.

Dorrington. On Saturday last I was down at Guildhall, Westminster, we had several trials, one concerning this man, it was this Mrs. Lawless that was with the prisoner, and told her not to rob the man; she was down at Westminster, and we went to have something to drink; I went to her house to let her know when the recognizances were to be withdrawn, and she said what can we do concerning this matter of Het Davis that is in prison now, says I, I can do nothing in it; says she I will give you a guinea, that will be half a guinea a piece, says I, I cannot make it up, I dare say the prosecutor will not hurt you, that was all I said; I could not stand and see that man robbed. I can bring people to my character, here is one of the beadles here if you please to call him.

Court. Your *conduct* sufficiently speaks your character.

The prisoner called one witness to her character.

NOT GUILTY.

The patrols were ordered to return the prosecutor his money.

Tried by the first Middlesex Jury before Mr. RECORDER.

660. WILLIAM STEPHENS was indicted for feloniously stealing on the 8th day of June, one linen handkerchief, value 10d. the property of Samuel Athawes, Esq.

SAMUEL ATHAWES, Esq. *sworn.*

On the 8th of June, I saw the prisoner at the bar have my handkerchief in his hand, and throw it down, near Sam's Coffee-house, I took him directly.

——— HEMMET *sworn.*

I am constable, I produce the handkerchief.

(Depos'd to.)

PRISONER's DEFENCE.

I was going to Billingsgate to buy fish for my wife's dinner, and I saw the handkerchief upon the ground, I picked it up, and Mr. Athawes took me.

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

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661. JOHN GRAINGER was indicted for feloniously stealing on the 22d day of May last, one silk handkerchief, value 3s. the property of Bolton Hudson.

BOLTON HUDSON *sworn.*

On Thursday se'nnight near St. Bartholomew's church-yard I saw three or four lurking persons, about eleven in the forenoon, the prisoner at the bar gave me some suspicion of him, I felt in my pocket and found my handkerchief was gone; I pursued the prisoner at the bar, and saw him throw it away before I took him.

——— MASTERS *sworn.*

I saw him take the handkerchief from the prosecutor.

SAMUEL

SAMUEL LAURANCE *sworn.*

I produce the handkerchief.

(The handkerchief deposed to.)

GUILTY.

Transported for seven years.

Tried by the London Jury before Mr. RECORDER.

662. MARY GREEN was indicted for feloniously ſtealing on the 25th of June twenty ſkeins of white ſewing ſilk, value 20s. the property of Thomas Treſlove and Henry Pulsford.

HENRY PULSFORD *ſworn.*

I only prove the property.

A WITNESS *ſworn.*

The priſoner came to our ſhop on Wedneſday morning laſt for a ſkein of ſilk to match a pattern, I was looking for ſome, and ſhe pulled over ſeveral parcels of ſilk which ſhe had no buſineſs with, and I had a ſuſpicion that ſhe was on no good deſign, and I ſaw her put ſome ſilk in her apron, I called up my fellow ſervant, and ſhe was making away out of the door, and I took the ſilk out of her apron, ſhe was ſearched, and a pair of ſtockings was found upon her.

Mr. Peatt, priſoner's Council. There was ſome ſilk in the woman's apron when ſhe came in?——No, I ſaw her take the ſilk and ſlip it under her apron.

Was not ſhe dealing with you for ſilk, and going to buy it of you?——It was not the ſilk that I ſerved her with, it was other ſilk, and nothing like the pattern; it was put by way of concealment; ſhe only wanted a ſingle ſkein, and here is near two pounds.

PRISONER's DEFENCE.

I know nothing about it, I went to match ſome ſilk.

GUILTY.

To be privately whipped, and imprisoned ſix months.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

663. JOHN LLOYD was indicted for feloniouſly ſtealing on the 23d of May laſt, one watch, with a gold caſe, value 4l. the property of David Sidney.

DAVID SIDNEY *ſworn.*

I am ſervant to Lord Milton, I was going to Aſtley's, and I loſt my watch, I ſaid I had loſt my watch; I ſtood in the yard, and repeated the words again, the very ſame night my watch was found in the poſſeſſion of the priſoner, offered to be pawned at Mr. Dry's, in St. Martin's-lane.

ABRAHAM DRY *ſworn.*

The 23d of April in the evening the priſoner came to me, and brought this watch to pawn for three guineas and a half, I ſtopped him.

(The watch deposed to.)

PRISONER's DEFENCE.

I was going to Aſtley's, I was ſitting down where they pay the money, and picked up this watch, I kicked it with my boots.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

664. LAW

664. LAWRENCE KENNEDY and MARY RICHARDSON, were indicted for feloniously ſtealing on the 26th of May, 60lb. weight of lead, value 12s. belonging to Major Wright, affixed to a certain building of his, againſt the ſtatute.

——— TRACY *ſworn.*

I am watchman, Mr. Wright lives near the New Cut, Ratcliffe-highway; on Thurſday morning I took ſome lead from a man and woman, they were both together; nobody had the lead; it was between two and three o'clock in the morning, about twenty yards from the proſecutor's houſe; I aſked them where they got it from, they would not tell me; they were ſtanding ſtill when I came up to them, at a butcher's ſtall, they ſtood between me and the lead; I never heard them ſay anything about it ſince.

THOMAS RICHARDS *ſworn.*

I was officer of the night; I went up when I heard the rattle go, and I ſaw the priſoners; they told me they found it ſtanding up againſt the ſide of the houſe.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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665. JOHN EDWARDS was indicted for feloniouſly ſtealing on the 9th of June ſix iron bars, value 5s. and one iron boiler door, value 2s. belonging to William Parker, affixed to a certain building of his, againſt the ſtatute.

WILLIAM PARKER *ſworn.*

I live in Sharp's-alley, Cow-croſs, the 9th of June I loſt ſix iron bars, and one iron door; they were taken out of a room, the bars were fixed to the brick-work, and the door was hung on hinges, they were loſt between five and ſix; they were found ſince on Saffron-hill; the priſoner had worked for me once before.

WILLIAM BLACKEY *ſworn.*

I produce the iron bars; when I took the priſoner, he told me he had ſold them: I told him it was a pity to rob poor people like them, if he had robbed rich people it would not have been ſo bad; and he carried me to the ſhop on Saffron-hill, where he ſold them. Theſe are them.

(Produced and depoſed to.)

PRISONER's DEFENCE.

When Mr. Blackey took me, I never ſaid a word to him, I never had anything to do with them.

——— GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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666. SAMUEL CHAMPNESS and EDWARD CROWDER were indicted for feloniouſly aſſaulting Thomas Read on the King's highway, on the 17th of May laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one gold watch, value 5l. and one guinea, value 1l. 1s. his property.

THOMAS READ *ſworn.*

On Monday evening the 16th of May, Mr. Worral and myſelf had been at Ranelagh, and about two in the morning we were in Duke-ſtreet, Lincoln's-Inn-Fields, on our return, the Hackney coach we were in was ſtopped, and the door opened; I obſerved three men, the one of them immediately quitted and went away; I ſuppoſed him to be at the horſes heads, I only ſaw two of them at the door, and one of the priſoners put his foot on the ſtep, at the ſame time they both aſked for our watches and money immediately; it was ſome time, I ſuppoſe a minute, or a minute and an half, before I could get out my watch, which

was laſt, it was a gold watch; and the priſoners had either piſtols, or cutlaſſes, or ſomething, I had one of them in my hand, I rather imagine them to be piſtols; I put it on one ſide, and gave my watch, or my money into the hand of Champneſs, and in his hand I obſerved a wound, and into that hand I put my money or my watch; I can only ſwear to loſing one guinea and my watch; I had loſt more money in the courſe of that night; his hand was covered over, and had ſomething wrapped round it as if it had been wounded; the priſoner Champneſs is the man to whom I gave my watch and money, I ſwear poſitively to him.

What ſort of light was it?——There was light, the day was breaking, there was ſufficient light to diſcern every part of his dreſs; I have his face as ſtrong in my recollection as any friend I may happen to know; I did not ſee Champneſs till the day after, at the bar of the Bow-ſtreet Office, he was in company with others; I believe he came and ſurrendered himſelf, hearing that the Magiſtrates had ſent for him, he came to know what they wanted with him; I mentioned that he was the very man before the Magiſtrate, and I believe Lord Weſtmoreland and another gentleman that were there heard it; I ſhould ſuppoſe that they were a minute or a minute and an half with me, or poſſibly more; I was ſomewhat intimidated, and could not get my watch immediately out, and they were very quiet, and did not ſwear or anything of that kind.

Court. You ſay this paſſed in a minute or a minute and an half, and you was in a hurry, and this was two o'clock, and yet you can venture to ſwear to him?——I am very confident of him, I feel the unhappy circumſtance, I knew him when he came into court, he is the only man I ſwear to; he had a whitiſh waiſtcoat, and a light coloured coat.

Did you obſerve the hand, when you was at the Juſtice's?——I did, immediately as I got home I mentioned the circumſtance.

When you ſaw him at Bow-ſtreet did you obſerve his hand?——Immediately, my Lord, it was in his pocket, it was covered with a handkerchief, it appeared as it did the night before.

Priſoner's Council. This I ſee was a very ſhort tranſaction, ſo ſhort that you had not an opportunity of obſerving whether it was a piſtol, or a cutlaſs, or a ſtick? I obſerved either a piſtol, or cutlaſs, or ſomething, I had hold of a thing which appeared to me like a piſtol, and I put it aſide.

You was ſomewhat intimidated?——I confeſs I was.

So much intimidated that you do not know exactly to whom you gave your money, and to whom you gave your watch?——I know this, that I either gave my money or my watch into the hand that had the wound; I can only ſwear to one guinea; I never ſaw the priſoner before, there was ſomething tied over the hand; I do not know whether there was a thumb-ſtall or not.

The man came to Bow-ſtreet voluntarily?——So I was told; he immediately came to the bar; he ſaid that the officer had been enquiring at his houſe for him, and therefore he walked up; he was with ſeven or eight at the bar.

He was ſhewn to you as a perſon that had ſurrendered himſelf, knowing that enquiries had been made after him?——No, he was not, I ſaw the faces of four or five.

Who was under examination, at that time?——I believe the man in the green coat was at the bar at that time.

Who was in the coach with you?——Mr. Worrall, and a Mr. Hall.

I ſhould ſuppoſe they had the ſame opportunity of obſerving the priſoner that you had?——I was next the door myſelf.

Court. Did you ever ſee your watch afterwards?—No, I never did.

——— WORRALL *ſworn.*

I do not ſwear to either of the men, only know in general of the robbery.

CHARLE

CHARLES JEALOUS *sworn.*

On the 16th of May the prisoners were discharged from Sir Sampson's; and the lusty man, Champness had a handkerchief round his hand at that time; this gentleman came on the 17th, to give information.

This man came to the office of his own accord, did he not?—Yes, he did.

Jury to Read. Do you know anything of the other prisoner?—No.

PRISONER CHAMPNESS's DEFENCE.

I leave it to my councel intirely; I hope my surrendering myself is sufficient that I was innocent.

Court to Prosecutor. Did you charge him before you saw his hand?——Before I saw his hand I mentioned it to several persons round.

Prisoner Champness. I confess I had something round my hand; it had been cut; there was not a single person at the bar when I surrendered myself but this young man.

EDWARD CROWDER, NOT GUILTY.
SAMUEL CHAMPNESS, GUILTY, Death.

Prosecutor. I think it a justice to the prisoners, to say, they were perfectly civil.

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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667. JOHN MORRIS and JAMES GUTHRIE were indicted for feloniously assaulting John Marshall, in a certain field and open place near the King's highway, on the 15th of June, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one silver watch, value 40s. one ribbon, value 1d. two steel watch keys, value 2d. one iron key, value 1d. a gold breast buckle, value 5s. a cambrick handkerchief, value 6d. a pair of gloves, value 3d. and one sixpence, value 6d. and eight copper halfpence, and three guineas, value 3l. 3s. his property.

JOHN MARSHALL *sworn.*

I was servant to the Rev. Mr. Hulse, I lately left him before the robbery, on the 15th of this month, I was coming across Hyde Park, about half after nine in the evening, and I saw two men coming in the path between Grosvenor-gate and Kensington; they were running, I thought they were running a race, they turned short and came to me, Morris came and caught hold of my collar, and made use of a great many vulgar expressions, and demanded my money or my life; I said, do not use me ill, you shall have what I have, it is not much; then the other prisoner put a pistol to my head, I gave them what is mentioned in the indictment, then they shook hands with me and wished me a good night, I called out, and the turncock came to me, I said, I had been robbed by two men, one in soldiers clothes, and the other looked like a groom, says he, I will send the dogs after them; they got away from me at that time, I went round Petty France, and coming up by the Horse Guards or rather by the Admiralty, I met a soldier, which I took to be one of the men, I was not clear in it, I looked at him by the Paywoffice, he stopped with pretence to make water, and a girl of the town came up to him, and I heard her mention a watch, I then did not know whether to take the man and the woman, or the woman alone; I thought of endeavouring to take them both, and just as I was considering, somebody came behind me, and it was Morris, I knew him directly, I took him into custody, he made two blows at my face, says I, my lad you may blather away, I shall not leave my hold; I took him into the tilt-yard, and went to the officers, they said, they had nothing to do with it as it was a robbery, I must get a constable; I said, will you be so obliging to let somebody get me a watchman or constable, a constable came, and I went with him, when he was searched a pair of gloves was found upon him, I said,

if

if they are my gloves, I will give a particular mark, one of the fingers of the glove has some wax candle on it, which I got in the service of Lady Coote; there was a quantity of halfpence found upon him he was searched at that time, he was up to his knees in mire and dirt, of which he gave a very poor account; there is a patrol in the Court who will give an account that he found my breast buckle, and likewise the sixpence upon him.

Are you sure now that Morris is one of the men?—I am positive of it.

What became of the soldier?—On Sunday morning the 20th a little before seven o'clock, I met him; I had Morris in the watch-house before eleven the same night, he told the serjeant he had been with his girl to Piccadilly, and he had got the dirt in the kennel, the officer told it was impossible, when the gloves were found on him, I said them are my gloves, and he immediately said good God, they are my gloves; the Sunday after I was going out of my own house, and this soldier was going up Duke-street, St. James's, and I was going along Bury-street, I thought he was the man that robbed me, I hastened up to him, he crossed opposite the church, and pretended to look at the clock, I thought if he went up the church yard, I would go up the court just by, and I followed him into Piccadilly, and I collared him, he said he was innocent, I called for a watchman, and took him to a constable in Jermyne-street, this was about seven on Sunday morning; he was not searched then; on the Monday morning at Litchfield-street, the Magistrate asked me if I could swear to him, I told him I was clear he was the man, but I was conscientious in swearing to him, unless there was property found on him; the Magistrate ordered his quarters to be searched, I desired the constable to take notice of an old white handkerchief, and I went with them, and the very first thing that was found was the handkerchief, and a pistol was found under his bed, it was where he was quartered.

How do you know that?—A man pointed it out.

Was the prisoner himself asked where his lodgings were?—Yes, I believe he told where.

JOSEPH COWPER *sworn.*

I am a constable, on the 15th of this month the prosecutor brought in the prisoner Morris, I examined him and found only these gloves, and four penny worth of halfpence upon him, and in the morning I searched him again, and found a gold breast buckle, and a sixpence, we put them down in the hole for safety, and the patrol said, here is the breast buckle.

(The breast buckle deposed to.)

Prosecutor. It is an oval breast buckle, it is a very particular buckle, it has a double tongue, and it buckles to my shirt like a shoe buckle.

Cowper. I know nothing of the other prisoner.

WILLIAM BLACKETER *sworn.*

I belong to Litchfield-street office, the prisoner Guthrie was examined at Litchfield-street office, on the 20th of this month, he was asked where he lodged, he said at the White-bear in Piccadilly, the Magistrate sent me directly to his lodgings, they shewed me his room, and I found this pistol laying under his bed, and this handkerchief a little further, I remember it was said, that the other man had very dirty stockings on, and in a hole I found these dirty stockings.

EPHRAIM HART *sworn.*

I know the prisoner Guthrie, on the 15th and 20th of this month he was quartered at the White-bear.

In what room?—In the first stairs going up the stairs next to the tap, the first door on the left hand; three or four sleep there at different times, I was not present when the pistol was found; there were two beds in that room, and three or four people used to sleep there, there were no more soldiers that slept there.

Blacketer.

Blackerton. In a room over the ſtable the knapſack hung over the bed, it was the left hand fronting into the yard; I brought Hart afterwards from the office, and ſhewed him the bed where I found the things, and he ſaid it was his bed.

Court to Hart. Is that ſo?—Yes, my Lord.

YOUNG PRICE ROWND *ſworn.*

I am a conſtable, in the pariſh of St. James's, I had charge given me of the priſoner Guthrie, I went to the White-bear, and ſearched and found nothing in his pockets; Blackerton found a handkerchief and piſtol under his bed, and lifting up the bed he pulled out thoſe ſtockings from a hole covered with a quart pot.

——— PICKERING *ſworn.*

I am an officer, I went in company with Price and Blackerton, when we came back there was no cock to the piſtol, I aſked the ſoldier where the cock was, ſays he, it is in my knapſack; I came back and ſearched and found the cock, and I took Mr. Hart to ſhew him the bed, and he ſaid, it was the ſoldier's.

(The handkerchief produced and depoſed to.)

Proſecutor. I know it by a mark J. M. and by ſome blood.

PRISONER MORRIS's DEFENCE.

That gentleman made the ſoldier a preſent of five ſhillings to do ſo and ſo, which it is not likely for two men to do together, and he made a bargain to meet the ſoldier; he came to me and my fellow priſoner, and told him and I, that there was a gentleman to meet him, we came to the place and ſaw them both arm in arm, and they were buſſing one another the ſame as a man and a woman; they went to the water ſide, they were up againſt the rails by the water ſide, both of them, and their breeches down, we both went up to them, and ſaw them doing a thing that they ought not; I caught hold of them, ſo ſays I, you ſhall go to the guard room; I took him by the coat four or five yards off, and the proſecutor gave us every thing in the world, ſays he, if you will let me go, I will give you every thing in the world, he pulled out his watch and ſome halfpence, and a ſixpence; we did not take a farthing, he gave them to us; the man is at the door who can prove it.

JOSEPH DIAMOND *ſworn.*

I am a ſoldier in the firſt regiment of foot-guards, I am come to ſpeak as much on the proſecutor's ſide, as I am on the priſoner's ſide; I was going with a letter into Oxford-road, into Park-ſtreet, and walking through St. James's Park, in the grove I ſaw a gentleman who took great obſervation of me, the gentleman followed me, I rather made a bit of a ſtop and walked up and down once or twice, it was about nine or a quarter after, but as well as I can recollect, I believe it was ten minutes after, the gentleman followed me into Hyde-park, and took great obſervation of me; in St. James's-park I ſtopped, and the gentleman ſtopped; going acroſs Piccadilly into Hyde-park, the gentleman went rather before me, and he ſaid the wind blows very cold indeed, and I ſaid the duſt rather blew, and he aſked me further queſtions which I could not reſolve, queſtions that it was not proper to aſk any man, I did not know the meaning of it, or what it was; he wanted to feel my private parts, and deſired me to feel his; and he ſaw two men coming, ſays he, here are the patrols coming, ſo I ſaid, then let us go that way, and one of the men ſtopped us, and ſaid now I have ſeen all your actions, you b——gg——rs.

Do you know the two men now?—No.

Have you ſeen either of theſe men ſince?——I cannot be poſitive, I cannot ſwear theſe are the men that robbed him, I cannot ſay that, I never ſaw them, I did not know them at that time.

Do you know them now?——I cannot ſay I ſhould know if I was to ſee them; nor I am not poſitive, I ſhould know the gentleman if I was to ſee him, for I never ſaw him before.

How came you to be brought here to day?—By order of Colonel Sir James Duff.

Should not you know the man you call the gentleman that walked with you?——No, I do not know that I ſhould, I never ſaw him before, nor he me as I know of.

Blacketer. I am informed that this very man was in the ſame company with Guthrie, he is one of the ſame company, and they were both out together that night.

Diamond. I did not know the man before that night.

Priſoner Morris. This Diamond cannot deny that he received five ſhillings from the proſecutor the night before on centry?——I am not poſitive that was the gentleman, I was centry the night before, and there was a gentleman came along and gave me five ſhillings, but I am not poſitive that it was this gentleman.

Blacketer. This man ſaid, he was in the ſame company with Guthrie; I met the ſerjeant, and aſked him if he had three men in his company, one named Diamond, and another Guthrie, he ſaid, yes, I went to this Diamond's quarters, and ſearched his lodgings.

PRISONER GUTHRIE's DEFENCE.

My fellow partner that is now at the bar and me, catched theſe two men in a very *undecent* ſort of manner, ſo my comrade ran up to him, and told him he was worſe than the beaſts in the field; the proſecutor told him he would give him all that he had if I would not take him to the watch-houſe; he gave him his gloves, and ſhoved that old handkerchief into my hand, the other made his eſcape; as for the piſtol which he ſays was preſented to him, I had from the witneſs here that night, I had a ſhort jacket on which I uſually work in, and I thought I ſhould drop it, I held it in my hand, it had no cock to it, and had none for twenty-four hours after I received the piſtol; after we got the property we made up the Park as far as the Mint, this witneſs that is here now, came and received the watch of my fellow criminal, and he went and croſſed over by the Mint, and came down by Tyburn turnpike, there was ſome perſon from the toll-houſe called out, if they ſaw a man in a white frock, I went home, I heard the next morning that my fellow priſoner was taken up, I went from thence to Joſeph Diamond's lodgings, and ſaw the watch, which was then to the beſt of my knowledge with both the hands broken off, and there was an old woollen cloth; this Diamond is the man that ſold the watch, and received the money, and likewiſe was the man that received the piſtol, with the words, you clean that ſometime this week.

Priſoner Guthrie to Diamond. Did not you ſell the watch?——I never ſaw the watch, I have had no watch but my own for theſe two years and a half, and that I brought out of my country, I never had a piſtol in my poſſeſſion in my life, I never had anything but a fuzee of the ſerjeant's and colonel's to clean.

Priſoner Guthrie. Whether this man who is now witneſs, in either reſpect I think he ſtands, only let him ſay whether or not, he did not go on the Friday and take this watch to ſell it to a Jew in Weſtminſter.

Diamond. I never ſaw ſuch a thing, nor never had ſuch a thing in my life.

Court to Marſhall. Did you know Diamond?—I never ſaw him before, my Lord, he aſked the man that ſwore me here in Court, whether I was the proſecutor or not.

Where had you been that evening?——I had been at Kenſington-gardens, I went from home a little before eight, I was coming home.

What time did you go to Kenſington-gardens?——A little before eight.

How long did you ſtay there?—I only juſt went within the gate and returned again, and was coming home acroſs the park.

Was you in St. James's-park that evening?——No, nor that day.

Priſoner Morris. So help me God, them men were in the grove, and went from thence to Hyde-park.

Priſoner Guthrie. This ſame witneſs, and the proſecutor were together, and making free with one another as if they had been man and woman; he paſſed through the grove, and we ſtood as if we were look-

ing

ing through the rails, we ſtruck through the park, and got to the gate that leads to Piccadilly; theſe two men were in a very indecent and unaccountable manner, for me or any other perſon to expreſs.

DAVID SUTHERLAND *ſwear.*

I have know the priſoner Morris upwards of twelve years, he always behaved very well, and very honeſt, I never knew anything bad of him before.

What is he?—A porter about the town, carrying coals, and going of errands, and working, I never heard anything bad of him before.

The priſoner Morris called another witneſs who gave him a good character.

Priſoner Guthrie. Mr. Hart will give me a character.

Hart. I have known him four months, I have known no harm of him in the leaſt, always a man that wiſhed to earn a ſhilling if he could, I believe there are gentlemen in the inn that will ſpeak to his character.

DANIEL DRIVER *ſworn.*

I came to ſpeak for the ſoldier, he has lodged in the gallery at the White Bear for ſix years, I never knew him offer to meddle with anything; as to the room, there is all manner of people lays there, three or four in a room, I drive a hackney coach, and I go in there for lights at two or three o'clock in the morning.

Court to Proſecutor. Is there anybody here that was with you that evening, or that knows you?—Nobody was with me, but I could bring perſons enough to my character, but I did not know it was neceſſary.

Priſoner Morris. He bears a very bad character by all report.

Proſecutor. I believe I can have a character from the gentleman whom I had the honour to ſerve, and a very good one; I left him becauſe I have been to learn to dreſs ladies and gentlemen's hair, and he did not want a ſervant.

Court to Jury. Gentlemen, to this crime there is a very ſerious defence ſet up, and as groſs and as ſcandalous a reflection on the proſecutor as men could throw out; if the proſecutor appeared to be a man addicted to ſuch abominable practices as they attribute to him, it would go to affect his credit; however, they charge him directly with being in a moſt indecent ſituation with another man, and that he gave them theſe things to make his peace; but then they have proved that by a witneſs, with reſpect to whom it is not neceſſary there ſhould be anything further to blaſt his character and credit than his own teſtimony, for he tells you out of his own mouth, that his conduct was ſo ſcandalous, that the night before he took five ſhillings from ſome man as a conſideration for ſuch abominable practices, ſo that he has proved himſelf to be a worthleſs, profligate fellow, and deſerves no credit; if you credit the proſecutor, the defence of the priſoners makes their caſe much worſe, and if they extorted money from him under the idea of ſuch a crime as this, it does not excuſe them.

BOTH GUILTY *Death.*

Court to Priſoners. I am thoroughly ſatisfied as well as the Jury, that the whole ſtory that you have told, is abſolutely falſe, and deſtitute of the ſmalleſt foundation: I ſaid to the Jury in the courſe of ſumming up the evidence, that I thought your defence a great aggravation to your crimes; and I think it proper to tell you now, before you are taken from the bar, that if I am called upon to give any account of this trial, I ſhall certainly ſay it is proper that the judgment of the law ſhould take its full courſe upon you.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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668. JAMES LOCKART was indicted for feloniouſly ſtealing, on the 22d of June, eighteen diamonds, value 110l. eleven ſtrings of pearls, value 41l. one hair ring ſet with diamonds, value 18l. two ſapphire rings, value 10l. a gold ſtock buckle,

kle, value 3l. one antique ring, value 3l. and two linen handkerchiefs, value 4s. the property of Ewen Bailey, Esq; in the dwelling house of Narcissa Marshall.

EWEN BAILEY, Esq; *sworn.*

Early in June, 1784, I had in my possession returning from India, diamonds and pearls to a certain amount, which were shewn to a broker, Mr. Sharpe, for the purpose of being disposed of in the usual course of business, some time had elapsed when a person was brought in order to purchase those diamonds, I think it was a Mr. Randall, he was brought by Mr. Sharpe, and upon examining these diamonds, this Mr. Randall found a deficiency from the original invoice, Mr. Randall and Mr. Sharpe ascertained the quantity that were taken out by comparing with the invoice, and Mr. Sharp sold the pearls to Mr. Randall, not supposing as I believe, or not knowing, or not suspecting that there was any robbery committed on them; the pearls were sold according to the invoice, and the diamonds according to the deduction of the ascertained number of the stones that were taken out; Mr. Sharpe acquainted my agent sometime after (I was not in town myself.) that upon Mr. Randall's having sold these pearls to a certain person there appeared a deficiency in the pearls, Mr. Sharpe advertised these pearls and diamonds, and circulated hand-bills in the usual form, these produced no discovery; I could not at that time fix the robbery on any particular person: in the course of last month I was going out of town, and I took from my finger a diamond ring that was made by Gray in Bond-street, and put it in one of my lodgings in a drawer, the house is in St. Alban's-street, No. 11, the house of Narcissa Marshall; I lodged there when the former things were stolen, the prisoner was my servant, and had been so during the whole time, he had lived a little more than twelve months with me at this time, and he had formerly lived in my service: upon my return to town I looked for this ring and could not find it, I think I was absent ten days, the prisoner was not with me, I left him in town, I left it in a drawer in a mahogany box, and the box was locked up, I had the key; I enquired of my servant, who denied having seen it or knowing anything of it; when I returned the box was locked as I left it; I could not arrive at any knowledge of this ring, and it then struck me very forcibly that this servant must be privy to it, and I recollected having seen in the same box two sapphire rings, and a gold stock-buckle, and they were missing also; that confirmed me in the idea of the prisoner's dishonesty; I then came into a resolution of quitting everybody that was about me, from the discomfort of having a thief about me, I quitted my lodgings and went into a house of my own, and the prisoner was the only person I took with me; I mentioned the circumstance to the gentlemen at the Rotation-office, and they sent to search his boxes, I was present at the search, and in searching his baggage there was found that ring, made by Mr. Gray, the stones of an antique ring that belonged to me also, and two handkerchiefs with my name; the ring made by Mr. Gray was a hair ring set with diamonds of a particular form, the sapphire rings and the gold stock-buckle are accounted for, but not found.

Mr. Garrow, Councel for the Prosecution. After he was taken into custody were there any promises made to him, that it would be better for him if he would say anything on the subject?——I sent to him, and told him my determination to quit everybody that I had about me, and that it was necessary to recommend him to the next service, that he should undergo a search that my mind might be convinced; I advised him to make a full discovery, which he did not.

——— DIXON *sworn.*

I went to search this house, and found this ring; I was searching the drawers in the room where the prisoner lay, and just as I came to the drawer where the ring was, he went down on his knees, and said he would

would ſhew where it was; and I found it in a powder bag, mixed with the powder; it was in the caſe juſt as it is now; I found the ſtones of a ring, and theſe two handkerchiefs; here is the antique; and I found two keys in one of his breeches pockets in the drawer, which opens two of the Major's boxes, I tried them, and the Major tried them, theſe picklock keys opened the boxes as eaſy as the Major's keys.

(The diamond ring depoſed to.)

Proſecutor. This ring I purchaſed of Mr. Gray in Bond-ſtreet; I am clear it is the ſame, the form of the ring is particular, I have no doubt of its being mine from the hair in the inſide; it was made by my particular directions; this is the ſtone of a ring that I wore, when I loſt it it was ſet; I have had it ſeveral years, I have no doubt of this being the ſame; I examined the keys that were found, they opened and ſhut the boxes.

JOHN GRANT *ſworn.*

Mr. Silveſter, Priſoner's Council. This property muſt have been found out in conſequence of the confeſſion.

Court. It ſtrikes me from the evidence Mr. Bailey gave at the outſet, that it will be extremely difficult, perhaps ultimately ſo, to identify theſe diamonds and pearls, the value of the things already produced go far beyond the mark the law fixes.

Mr. Garrow. I wiſh to call Mr. Grant.

Mr. Silveſter. With ſubmiſſion, whatever comes to you, is in conſequence of the confeſſion of this boy.

Court. Unſuſpected and voluntary confeſſions are the beſt evidence againſt offenders, and it is from the apprehenſion that promiſes of favour or threats might induce a man of a weak mind, like torture in ſome countries, in order to obtain the benefit of thoſe promiſes, or to eſcape thoſe threats, to make a confeſſion that was not wholly true; but that can never go to the rejection of the evidence of other witneſſes which is got at in conſequence of that confeſſion, as the law is clearly ſettled.

Mr. Silveſter. The examination of Mr. Grant is for the purpoſe of ſupporting out of his own mouth, an action againſt him.

Mr. Garrow. I have no difficulty in ſtating what my purpoſe is, independent of any action, I think it my duty that he ſhould be examined.

Court. Had it been wholly immaterial, I dare ſay you would not have deſired to add leſs evidence to the ſtronger, and the reſiſtance to it would decide me in receiving the evidence, if I had no other motive.

JOHN GRANT *ſworn.*

I am a jeweller.

Did you at any time purchaſe any articles in your way of trade of the priſoner at the bar?—I purchaſed a few pearls of him, ſix ſtrings of pearls, in December laſt.

What price did you pay for them?——Ten pounds.

Did you purchaſe any other articles of him?——No, Sir.

Did you at any other time purchaſe any rough diamonds of him?——No, Sir, not of him.

Did you of anybody that came with this man?——No, Sir, not in his company.

Court. Did you purchaſe of anybody you ever ſaw in his company?—Yes.

When did you ſee that perſon in the company of the priſoner?——Some time before.

Had you any converſation with the priſoner at that time?—No, I think they came firſt together.

Did they come together when he ſold the pearls to you?——I cannot recollect, upon my honour.

What complexioned perſon was he, black or white?——He was a mulatta, a genteeliſh looking man.

What time was it that you purchaſed any diamonds of the other?—In the ſame month.

Was it after or before you purchaſed the pearls from the priſoner?——I think it was after, I think it might be eight or ten days after.

Have you your books here?—No.

Will not it appear by your books when you purchaſed them?——I do not know it will.

Do not you enter theſe things in your books?—I am not a regular book-keeper.

Court. Is there any other evidence to this property, not out of Mr. Grant's mouth?

Mr. Garrow. There are, but they are not here.

Mr. Grant. My book ſhews the ſum of money, but there is no quantity; my man corroborates the circumſtance, but he is not here.

Then it reſts upon the memory of you and your man?——Yes.

Is that the uſual courſe of your buſineſs?—I ſeldom buy pearls, I do not deal much in them.

Do you frequently buy diamonds in the rough ſtate?——Not very often, I cannot ſay that I bought any others, I believe not.

How many ſtrings of pearls might you buy beſides theſe?—I have bought diamonds ready wrought, and ſtrings of pearls; I really cannot ſay, but I believe half a dozen or a dozen in that ſtate.

Did you conſider the ten pounds as the full value of the pearls upon your oath?—I ſold them for thirteen pounds, I ſold them to different people.

When did you ſell them?—Immediately after, I do not buy theſe things to keep by me.

What is your man's name who was preſent?——James Lucas; he lives with me now.

Mr. Garrow. Did the priſoner purchaſe any thing of you at the time he ſold theſe things?——Yes, a pair of ſilver buckles at three guineas and an half.

Did he aſk for buckles at firſt?—He did.

Jury. Theſe buckles were a part of the ten pounds?——Yes.

Court. Let me look at theſe buckles.

(The buckles handed up.)

Mr. Grant. They coſt five guineas from the maker.

They are a large and heavy pair; is not yours a pretty conſiderable ſhop?——Not very conſiderable.

How long have you been in buſineſs?—About three years.

Did the priſoner come to you in livery?——No, he did not, he made a very genteel appearance; I looked upon him as a dealer coming from India.

Mr. Bailey. He never wore any livery, I believe the other perſon was alſo one of my ſervants.

Court to Mr. Grant. Did you aſk theſe perſons any queſtions how they came by theſe pearls and diamonds?——They ſaid they brought them over from India; they ſaid they lodged in the Haymarket, and were dealers, they did not ſay they were ſervants.

Did you ſuppoſe them to be merchants that had come over from India to diſpoſe of their property?—If I had had the leaſt ſuſpicion I ſhould not have bought them, I had no ſuſpicion of them; I have ſtopped things.

Mr. Silveſter. Were not the things left at your houſe for ſome time?——Eight or ten days; I did not buy them raſhly at the firſt coming, I thought they had been all over the trade, I ſent my man to enquire whether they lodged there, becauſe one of them was about buying a gold watch.

WILLIAM SHARPE *ſworn.*

Mr. Garrow. What is your profeſſion?——A diamond broker, I ſaw a parcel of pearls, out of which Mr. Bailey miſſed ſome. Mr. Bailey firſt produced me the invoice of diamonds, by India weights; on opening them and ſhewing them, I found them once exactly agreeable to the invoice, the pearls I counted and weighed myſelf, and when I firſt ſaw them they tallied exactly with the invoice; after this I returned them to Mr. Bailey; I had the pearls five or ſix days, we did not agree on the purchaſe of them, and I returned them to him.

What quantity of pearls were miſſing when you had them the ſecond time?

(Refers to a memorandum.)

Mr.

Mr. Bailey. I returned them to Mr. Sharpe in the ſame ſtate.

Mr. Sharpe. I found, that inſtead of weighing twenty-ſix carats, they only weighed twenty-three the ſecond time; the deficiency of diamonds was one hundred; the pearls I valued at 600l. Mr. Rumbold bought them at 550l. clear of all deductions; and according to the 600l. the proportion of pearls that were taken were worth 41l. 14s.

Mr. Garrow. How much was the value of the ſix ſtrings of theſe pearls which you had ſeen, and which you had received from Major Bailey?—If five of theſe ſtrings were ſold by the ounce they would be worth about 5l. I cannot aſcertain the value.

PRISONER's DEFENCE.

Theſe diamonds that were ſtolen from Major Bailey, a ſervant he had before told me that the Major had ſomething belonging to him in his hat-box, and would be obliged to me to get him the key to take out his goods, I gave the key to the ſervant, he took out ſeventeen pieces in diamonds, and nine ſtrings of pearls, and he told me they were his goods; and theſe pearls he ſold at Mr. Grant's for ten pounds, and Mr. Grant told him he would give him ten pounds for them, becauſe he bought a pair of buckles of him; theſe diamonds he left at Mr. Grant's, becauſe Mr. Grant ſaid he would ſhew them to ſome gentlemen, and bid him call again the next day, he called, and ſold theſe diamonds to Mr. Grant. I aſk my character from Major Bailey, he has known my character for eight years and ſeven months.

Court to Major Bailey. How did this man behave?——I had him at ſeven years of age, I took him at the time of the general famine in Bengal, millions were ſtarving, I took this boy and kept him five or ſix years, I brought him here and educated him, and transferred him to a family of my particular acquaintance, the family of General Lockyer; upon my return to India he came to me upon paying off a ſervant, and five or ſix days after I miſſed theſe things.

Court. How long has he been reſident in England?——I came home in 1773, he was then with me, he was at leaſt ten years reſident in England.

Priſoner. As for the ring that was found in my cuſtody, Major Bailey went out of town, and he left this ring in the table drawer; the table drawer has neither lock nor key; one day I found this ring and laid it by; and unfortunately I had this ring in my cuſtody, and the Major told me if I confeſſed every thing, that he ſhould forgive me; I was immediately frightened, I had not power to expreſs myſelf; but I leave it to his own judgment, and when they came into my room and ſearched my trunk, I kneeled down on my knees, and told him, ſince his goodneſs had promiſed to forgive me if I would confeſs where it was.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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669. PATRICK BURKE was indicted for that he, well knowing that one Richard Smith deceaſed, had ſerved our Lord the King on board the Robuſt, and that certain wages and pay were due to him at the time of his death, for ſuch ſervice, on the 7th day of January laſt did appear in his proper perſon before the worſhipful Andrew Coltee Ducarel, Doctor of Laws, &c. and then and there did produce and exhibit a certain paper, partly printed and partly written, with the name Richard Smith thereto ſubſcribed, purporting to be his laſt will and teſtament, and to be ſigned, ſealed, publiſhed and declared by the ſaid Richard Smith, on the 25th of February, 1780; and that he, before the ſaid Andrew, unlawfully, willingly, knowingly and feloniouſly did take a falſe oath to the purport and effect following, that is to ſay, that that paper contained the laſt will and

and teſtament of Richard Smith, meaning the ſaid paper partly printed and partly written, and that he was the executor therein named, meaning that he was the executor named in the ſaid paper, partly printed and partly written, the ſaid Andrew having then and there ſufficient power and lawful and competent authority to adminiſter the ſaid oath; whereas the ſaid paper did not contain the ſaid laſt will and teſtament; and whereas at the time he produced and exhibited the ſaid will, he well knew that the ſame did not contain the ſaid laſt will; and whereas he was not the executor of the ſaid laſt will and teſtament; with intent to obtain the probate of the ſaid paper partly printed and partly written, in order to obtain the ſaid wages and pay ſo due as aforeſaid, againſt the ſtatute.

A ſecond count, For that he *ſuppoſing* that wages and pay were due to the ſaid Richard Smith, did take a falſe oath in manner aforeſaid, in order to receive ſuch wages and pay which he *ſuppoſed* to be ſo due to the ſaid Richard Smith, againſt the ſtatute.

The Indictment opened by Mr. Fielding. and the Caſe by Mr. Baldwin.

HENRY HUNTER WILLIAMS *ſworn.*
(Examined by Mr. Silveſter.)

I am a clerk in the Ticket-office, in the Navy office, here are the books of the Medway for the year 1775; this is the Medway's muſter-book, it is entered Richard Smith, he is muſtered here as an able ſeaman, aged thirty, in December, 1775, he was turned over from here to the Robuſt, and in the Robuſt's book he is deſcribed the 7th of May, 1778, coming from the Medway, and born at Peterborough.

How long did he continue on board the Robuſt?——He is entered on the Robuſt's pay book to have been turned over the 21ſt of January, 1782; and to have died in the Prince George the 24th of January, 1782.

On the 25th of February, 1780, where was the Robuſt?——She was at anchor in Tybee Road, and by the Robuſt's book it appears Richard Smith was muſtered on board the ſhip for the whole month of February, 1780; here is Henry Clayton that was ſhip's barber, that was ſent to New-York hoſpital, the 14th of November 1779, he never appears to have returned to the ſhip, he comes from the Robuſt, and on the 14th of Auguſt, 1780, he died in the Hoſpital at Long-Iſland, I do not know the priſoner.

Was any wages paid by your books, to a man of the name of Patrick Burke, the 21ſt of January, 1783?——He appears till the 27th of January, 1779, and was ſent ſick to Halifax hoſpital.

When was he firſt muſtered on the Robuſt's books?—The 17th of March, 1778, from the Conqueſtadore, as a preſſed man he was diſcharged from the hoſpital, on the 20th of November in the ſame year; and he appears on the 26th of November, in the ſhip's books again.

How long did he continue on the Robuſt's books after that?——Till the 11th of September, 1782, he received his wages at different times, he was diſcharged the 11th of September 1782, into the Sandwich, and was paid on the 21ſt of January, 1783, and his wages appear to be paid the 19th of January, 1785, to Patrick Burke, excutor.

Court. Have you gone through the books of the Robuſt, ſo as to ſay, during the time between the year 1778, and the year 1780, whether there was any other man of the name of Richard Smith on board the Robuſt?——It does not appear that there was, but where there are two men of the ſame name, at the ſame time, they generally diſtinguiſh them by firſt and ſecond.

Was there any other ſeaman of the name of Richard Smith on board the Robuſt?—Here does not appear to be any.

Have you examined ſo that you could ſee if there was any?——From Auguſt, 1778, there does not appear to be any.

Priſoner. There were more Smiths than Richard Smith, there were three more Smiths beſides.

Court. Look into that?——There was a boatſwain named John Smith, and a purſer of the name of Henry Smith, and there is a landſman of the name of John Smith.

Priſoner.

Prisoner. There is not the name of Joseph Smith?——There are several more Smiths, numbers, but none of Richard.

Jury. We wish to know whether this Richard Smith is rated on the ship's books of the Prince George, as an able seaman?—No, he is not, he is not rated here, he is said to come from the Robust, he is a supernumerary man, he is a lent man to be returned again; entered as from the Robust.

THOMAS FLETCHER *sworn.*

I am clerk in the prerogative office, I produce the original will of Richard Smith, which I had from the prerogative office, I do not know the prisoner.

WILLIAM COMMERFORD CLARKSON *sworn.*

I am Clerk to Mr. Faulkner, I have seen the prisoner.

Upon what occasion did you see him?—To produce that will.

Who produced that will?——The prisoner at the bar produced that will at Mr. Faulkner's office, to prove the will, I attended him and wrote the jurat, on the 7th of January, 1785, and he attended me and took the oath on the 7th of January; that is my hand writing.

Court. From whom did you take the instructions for writing the jurat?—From the will.

Did the prisoner tell you what his name was, or who he was?——A conversation took place on the 5th of January in the evening when he first produced this will, I apprehending it was a forgery from the similitude of a letter in another forged will, he said, it was not, that he was the executor, and that it was a fair will; I was present when he took the oath.

Who was the oath taken before?—Dr. Ducarrel, I was present when he signed it, I saw him sign it.

(The will read dated the 25th of February, 1780; witnesses Henry Claxton and Daniel Gearing: and the 7th of January, 1785, Patrick Burke executor was duly sworn as usual, proved at London.)

SPENCER ENO *sworn.*

I know the prisoner, I have seen him on his examination before the Lord Mayor, he was asked where the will was executed, he said, at a public house in New York, this was on the 27th of May last, either the Lord Mayor or Mr. Evans asked him, and he said, that Claxton one of the witnesses was empowered by several of the seamen to execute wills for them, and that he filled up this will, and wrote Smith's name to the will in his presence, and that Smith impowered Claxton to write his name, which he did in his presence, and in the presence of the other two.

Court. Was he asked any question, what was become of Claxton or the other witnesses to the will?——No, I do not believe he was.

Was his examination taken in writing?—No, it was not.

HENRY HILL *sworn.*

I am a seaman on board the Robust, I knew Richard Smith vastly well.

Do you know the prisoner?——Yes, very well.

What was he on board the Robust?—Captain's sweeper.

What was Smith?—He was Captain of the after guard, then he was broke and put into the waste, and then he was made Captain of the mast, he belonged to the march in Cambridgeshire, he was what they call a lighterman.

Court. Did the prisoner ever tell you what countryman he was?——I have heard he was an Irishman, the prisoner was on board the ship.

Did you ever hear them call one another relations?——No, never, Richard Smith messed with me near two years.

Did you ever hear the deceased talk of his relations?—I never heard him mention anybody but his sister.

Could he write?—I do not think he could write to the best of my knowledge.

When did you leave New York to go to Tybee?——On Christmas-day, 1779.

How long did you continue at Tibee?——About five or six weeks, I believe, we sailed on the Christmas-day, and went to Charles Town, Halifax; and we sailed again in June.

Where was you in February?—Why, upon our paſſage I think.

Jury. Pleaſe to aſk the witneſs whether he obſerved any particular friendſhip between Richard Smith and the priſoner?—There might be, but not to my knowledge, they were meſſmates once.

Court. Was that after the time that you and Smith meſſed together?——Yes, we went from Sandy Hook to Halifax, about the 10th of June, 1780.

Was Smith with you on your paſſage from Charles Town to Halifax?——I cannot ſay whether he was or not, there were one hundred and fifty went on ſhore at Tybee.

Do you remember whether he was on board at Tybee?——I cannot, we had a great many went bad on ſhore at Long-Iſland.

Are abſent men if abſent with leave, ever muſtered in their abſence?—No, not after the firſt month, they are kept on the ſhip's books a month.

Are they never kept longer by any indulgence or favour of the officers, is it never done?—Not that I know of, I cannot of my own knowledge ſay, whether Richard Smith was at Tybee or not, he was not my meſſmate then.

Was the priſoner at Tybee or not?—I cannot remember that, I belonged to one part of the ſhip, and they belonged to another, a good many of the men were left on ſhore at New York, and Long Iſland.

Did you know Henry Claxton?—Yes.

What was he on board?—Ship's barber.

Could he write and read?——Yes, I believe he could.

Do you remember when he died?—No, I cannot ſay, I believe he died in Long-Iſland.

Do you know anything of Daniel Gearing?—Yes, he was a ſeaman on board, I ſaw him laſt May was a twelvemonth, on Tower-hill.

Is he living?——I do not know.

Was you much acquainted with him?—No, Sir, I was acquainted with a very few people on board the ſhip, except my meſſmates.

Do you happen to know whether he was at Tybee?——There were ſo many went on ſhore as Tybee, that I cannot recollect who they were.

Court to Williams. Does it appear when Daniel Gearing was diſcharged?——The 11th of September, 1782, into the Sandwich.

Does it appear where he is now?——He is not on board the Sandwich, he was afterwards on board the Triumph.

JAMES COX *ſworn.*

I was a ſeaman on board the Robuſt, I knew Richard Smith.

Did you ever hear from him what countryman he was?——He was a man that always uſed to nominate from Norfolk.

Have you ever heard the priſoner and Smith ſay they were relations?—Never.

Do you know what countryman the priſoner is?—An Iriſhman.

Was you on board the ſhip with Claxton?——Yes, he went on ſhore at Long-Iſland.

Do you know whether Smith could write or no?——He never could read or write.

Did you know Smith well?—He was my meſſmate ſometime.

Did you ſee Smith at Tybee?——He was on Board the ſhip Tybee, I am quite clear, he was on board the ſhip, and came to Halifax with us.

Was Burke with you?—Yes.

Both at Tybee and Hallifax?——Yes.

Was Daniel Gearing on board?—Yes, he was on board the ſhip.

AMEY JOHNSON *ſworn.*

Where do you live?—At Peterborough in Northamptonſhire.

Had you any ſon?——Yes.

What was his name?—Richard Smith.

What was he?——A waterman, he was apprentice at March, in the iſle of Ely, with one Daniel Peggs; after that he went to ſea, he was preſſed, and before he would be

be preſſed, he entered for the Race-horſe, then he went to Plymouth, and ſtaid there a year before they went off.

Where did you hear from him afterwards?—The laſt letter I had from him, I had from Halifax hoſpital, he had been at ſea almoſt twenty years on and off, he was preſſed in January about ten years ago.

Where was he born?——In Peterborough, he was about twenty-one when he was preſſed.

Was he born before or after the rebellion?—He was born in the rebellion 1745, I am ſure he was born in that year.

Court. You are clear in that?——Yes.

What age are you?——Threeſcore and twelve.

Had you ever a relation of the name of Patrick Burke?—Never in my life.

Court. Look at that man?——I know no more of him than you do, nor he is not a kin to me.

Did your ſon ever give to you any will or power?——No, Sir, only what was in the letter he ſent me, he talked of making one if he ſhould have got any money.

Had the father of Richard Smith any ſiſter?——None at all, he has been dead many years.

What countryman was he?—He lived in a place called Morrah by Wiſbech, I do not know where he came from, he belonged to Morrah, he made a ſettlement there, he had no ſiſters.

Had you ever any ſiſters?——Yes, they never were any of them married.

PRISONER's DEFENCE.

My Lord, I cannot read or write, that bill I had of Richard Smith, and I made him a will the ſame time to take my wages any thing ſhould happen.

When or where was that?——Indeed I cannot ſay where or how it was, it is ſo long ago.

Do you remember where the will was executed that Smith gave to you?——I think it was at New-York, but I am not ſure where it was.

What is become of Daniel Gearing the other witneſs?—I do not know.

Have you made any enquiry for him ſince this proſecution?—No.

The Jury retired for ſometime, and returned with a verdict

GUILTY Death.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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670. GEORGE MORRIS otherwiſe ROBERTS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of John Hancock, about the hour of ten in the night, on the 26th of May, and burglariouſly ſtealing therein, one black ſilk mode cloak, trimmed with black lace, value 5s. a linen ſhift, value 1s. a cap, value 6d. an apron, value 6d. another apron, value 6d. a pair of ſleeves, value 1s. a box, value 6d. the property of Suſannah Sullivan.

SUSANNAH SULLIVAN *ſworn.*

I live at the Bell Savage Inn, I am ſervant to Mr. Hancock, I loſt ſome things on the 26th of May, about ten at night, I loſt a box with the things mentioned in the indictment, I miſſed the box when I went to bed, I ſaw it at four in the afternoon, the window was faſtened with a nail; the conſtable has the things.

JOHN HANCOCK *ſworn.*

I live at the Bell-Savage, I keep the tap, the houſe belongs to Mr. Harder, the window was ſafe that afternoon between four and five.

JOHN CLARKE *ſworn.*

I took the priſoner, it was about one in the morning, we ſearched him and found theſe things that are here about him, on the 26th of May; he had theſe things tied under his waiſtcoat, and ſhirt, and breeches concealed, they were wrapped round, under

der his waiſtcoat, and in his breeches ſtuffed full, he ſaid, theſe things were given to him on the other ſide of the water by his mother, we did not believe it, we took him to the Compter.

WILLIAM FORSYTH *ſworn.*

On the 26th of May, about one I met the priſoner, I ſaid what have you here, and he ſaid damn me, what is that to you, and we found theſe things on this boy.

THOMAS HIGHWOOD *ſworn.*

The priſoner and me were ſitting together at the Old Baily, and the priſoner ſaid, he knew where to get linen, and I aſked him where, he ſaid, the back part of the Fleet; with that we went together, and went down Fleet-lane, and went through Mrs. Wright's wine vaults, and got up the wall, and went along the wall, and came to the window belonging to the houſe of the proſecutor, and we came to the window, and went to lift the window up and found the window faſtened, and he took a knife and broke the glaſs, and pulled a nail out that made the window faſt, and went in and fetched this box out, and we went and ſtood atop of the window, and he took the box and cut the lid, and took out the things and carried them away; coming up Fleet-ſtreet the patrols aſked him where he was going, and he ſaid, damn me, what is that to you? then he run away, and they ran after him and took him.

What time was it, when you got to the Bell Savage?—About ten o'clock.

Mr. Peatt, Priſoner's Council. Where did you meet this boy on the day the robbery was committed?—We had been together ſwimming.

You made uſe, I believe, of ſome force to make this boy go w'th you, as threats?—No, Sir, I did not, he aſked me to go.

What converſation has paſſed between you and any perſon, at any time, reſpecting the reward you were to have for convicting this boy?—I do not want nothing.

Have you had no converſation of that ſort with no perſon?—No, Sir, I have not.

PRISONER's DEFENCE.

All that I have to ſay, I leave to my Counſel.

Jury. How did you know there was a thoroughfare from Mr. Wright's to the Bell Savage?——Becauſe that boy knew it, we ſaw nothing of the people of the houſe, nor they of us, we came back the ſame way.

THOMAS RASTON *ſworn.*

I was in company between the priſoner and the evidence, we went up to the New-River to bathe, and I perſuaded young Roberts to go home to his father and mother, and this boy whiſpered to him, he touched him on the toe.

Did he uſe any force of any kind?—No.

RICHARD SMALL *ſworn.*

Depoſed to the ſame effect.

The priſoner called one witneſs who gave him a good character, and ſaid, he was between twelve and thirteen years of age.

(The things depoſed to.)

GUILTY, Death.

He was humbly recommended to mercy on account of his youth.

Tried by the London Jury before Mr. Juſtice BULLER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 29th of JUNE, 1785, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

671. BENJAMIN MOORE, THOMAS GROVES, and JOHN WILLIAMS were indicted for feloniouſly ſtealing on the 4th of June one table ſpring repeating clock, value 6l. one purſe made of ſilk and gold, value 6d. and one reading-glaſs, value 1s. the property of Frances Cotton, ſpinſter, in her dwelling houſe.

(The witneſſes examined apart at the requeſt of the priſoner.)

JOHN PEARSON *ſworn.*

I am gardener to Mrs. Cotton, I lodge in the houſe, in the morning of the 4th of this month, about half after two or near three, I was alarmed by the houſe dog; I got out of bed and went up the great ſtair-caſe, I ſtopped ſome time, and heard no noiſe below, I went to bed again for a minute, and I got out again, the dog ſtill alarmed me, and I went out upon the leads, I heard the noiſe of the great iron gate, which makes a creaking, I immediately went to the parapet wall and looked over, and I ſaw five men in a boat, which lay about forty yards off in the river, about thirty yards from the ground; I went down ſtairs and found all the doors wide open, I went into the fore court and found the hall door open; I went to ſee what o'clock it was to be punctual to the time, the clock was gone; I ſaw it when I went to bed, and I heard it ſtrike eleven and twelve; then I called up my fellow ſervant to come down and ſhut up the houſe that I might purſue the thieves, for the houſe was robbed; the men in the boat went off towards Crabtree, down the river, William Mumford was with me, and nobody elſe, till I came to Chelſea, then we alarmed Mr. Graves a waterman, and he came to our aſſiſtance, but in the mean time there were two or three more, and I deſired them to man a galley, for that the galley which contained theſe five men, that I took particular notice, came from Hammerſmith, I called up our butcher, Mr. Hammond of Hammerſmith, to get a horſe, and when we came oppoſite to Chelſea waterſide, we ſaw the ſame boat and perſons, I immediately manned a boat, and ſent four men after them; I took ſuch particular marks of the boat and of the men, as near as I could by the time in the morning.

Should you know the men again?—No, I know ſo far as to their ſtature, but I never ſwore to the men. I have a ſuſpicion that theſe are the men, I can ſwear to the marks and colour of the boat and the clothes of the men, but not to the men's perſons; the colour of the boat was the inſide painted green, almoſt new apparently to me, and the ſculls painted lead colour.

GEORGE

GEORGE ALLEN *ſworn.*

I am ſervant to Mrs. Cotton, I know the blue and gold purſe and reading-glaſs to be in the bureau, I was the laſt perſon that ſaw them there, when the bureau was locked, that was near a month before the robbery was committed; the key of the bureau was with Mrs. Cotton, who was at her town houſe in Harley-ſtreet.

ABRAHAM GRAVES *ſworn.*

I purſued this boat from Chelſea in my own boat, rowed by three men, and I ſteered it.

Did you overtake the priſoners?——I followed them as far as Nine Elms, Batterſea, then they went on ſhore; I told the men to row, and pull as faſt as they could, we got aſſiſtance from the maltmen, and they apprehended them.

Are you ſure it was the ſame men?——The very ſame men; I found nothing about them but two keys, which I took out of Groves's pocket.

Priſoner Groves. Where did you ſee us firſt?——Oppoſite Chelſea church.

Did you call out to us before we went on ſhore?——No.

WILLIAM MUMFORD *ſworn.*

I am a waterman at Hammerſmith, I went with Pearſon in purſuit of the five men in the boat, and when we came to Chelſea they were right a-breaſt of us, and we took them; I did not ſee any property upon them, we found a cutlaſs and a brace of piſtols in the barge.

ROBERT NORCOTT *ſworn.*

I am a maltſman, I was at the Nine Elms, I remember the priſoners coming there by water in a wherry, there were four and a waterman came down, ſomebody hallooed out, ſtop thief, I ſaw the men, and they rowed a ſhore at the cauſeway at Nine Elms, they ran by me, and I ſaw the man run by me with a piſtol and a cutlaſs in his hand, that was the priſoner Groves; they gave no account of themſelves to me.

JAMES POWELL *ſworn.*

I am a fiſherman at Chelſea, I was in the purſuit, here are two iron crows, one was inſide the barge, and the other ſtuck in the plank.

BENJAMIN LITTLE *ſworn.*

I am a bargeman, I ſaw the three priſoners running, ſeeing me they went back, and they were ſtopped; I went up and aſſiſted; I ſaw the priſoner Williams ſtopped, this bunch of picklock keys was given to me by a waterman, and this piſtol was picked up by ſomebody that is not here.

JAMES WHITE *ſworn.*

I am a waterman, I produce a cutlaſs, which I found in a barge; I ſaw them row by the barge, but I ſaw them throw nothing in; I helped in taking them, they were not charged with anything.

JOHN COATES *ſworn.*

I am a fiſherman at Chelſea, I went in purſuit of theſe men, I apprehended them, and I found this dark lanthorn, and a bunch of keys in the boat.

Was it in the boat that they had been in?——Yes, the ſame boat.

Are the priſoners the men?——Yes, I am ſure of it.

RICHARD KING *ſworn.*

I am a maltſman, at Nine Elms, I joined in apprehending the priſoners, I found nothing, I had this cutlaſs from Robert Norcott, who picked it up.

Norcott. I gave it to him, I ſaw a man that picked it up in the barge, they got out of their boat and got into a barge, and there they dropped the things.

SAMUEL BATEMAN *ſworn.*

I am a waterman at Arundel-ſtairs in the Strand, I took a fare from Arundel-ſtairs to Paul's wharf, four men took a boat of me to go to Chelſea, they were the three men at the bar and another, they aſked me what they ſhould give me, I ſaid 18d. and at Chelſea, they aſked me to go to Chiſwick, and were to give me 3s. it

was

was about ten, and they went to a friend's houſe and ſtopped a couple of hours, and came and brought ſome bread and cheeſe to me and gin, and they aſked me to go to London with them, and I ſaid I will if you will make it up 6s. coming down on the ſide of Chiſwick, one of the men aſked me if I would let them go on ſhore to ſee another friend, the three men that are here now went on ſhore, and the other man that is not here ſtopped half an hour, and then he ſaid I will go and ſee whether they are coming, and they all returned back to the boat, and brought a bit of a baſket with them, as far as I could conceive; I thought it was greens or lettuces, or ſome flowers from a friend; they deſired me to row to London, which I did as faſt as I could; coming off Chelſea the man that got away, ſaid, there is a man on horſeback, and from thence we rowed down oppoſite to the willows, and the other man ſtood up and ſaid, by God there is a galley coming after us, I do not know what they want, and he deſired me to put him on ſhore at Nine Elms; and he ſtood up, whether he chucked anything overboard I could not tell, by the ſluſhing of the oars, but the baſket was in the boat empty afterwards; as ſoon as ever I landed my boat's head on the ground, the people in the galley hallooed out ſtop thief; and they went to Sir Sampſon's, and I followed them.

Court. Was there any ſearch made for theſe things?——Yes, I underſtood they did, they were thrown out below water-mark; my boat was painted green, and black oars, and the lower part of my boat was red, below water-mark.

Priſoner Williams. Whether he ſaw any of us bring anything into the boat?—No, none of you three, but the tall man that run away.

That man was in the boat before we took you?—No, you all came down together.

Court to Pearſon. What is the value of this repeating clock?——It was 10l. I believe, they valued it at 6l.

Do you believe it is worth 6l.——Yes, it was a ſpring repeating table clock.

Allen. It was a good clock, and went well.

Court to Pearſon. Were the doors all faſt at night?——Yes, I went laſt to bed, and was firſt up in the morning, and I found them broke open.

What had they been broke with?—The window-ſhutters was broke, wrenched in two in the middle.

There is nobody here ſpeaks poſitively to the value of the clock?——No.

PRISONER MOORE's DEFENCE.

We are really innocent, we hired this waterman to go up the river, we went on ſhore at Chelſea, and got ſome liquor, and ſome bread and cheeſe, we then rowed up to Chiſwick to my couſin, we were all very much in liquor, we went on ſhore there and could not find my couſin out; we went to the public-houſe, and we ſtopped, then we all returned to the boat, and bid the waterman carry us home, going on ſhore at the Elms, to get ſomething to drink, we heard the cry of ſtop thief, the man that was with us, whether he was in liquor I do not know, but he ran away, we ſtopped, ſo they took us; the man was a ſtranger to us that got away.

Priſoner Groves. I have nothing more to ſay than what my fellow priſoner has ſaid.

Priſoner Williams. I have nothing more to ſay, I am very innocent.

Jury. Did you perceive any fire-arms about theſe men when they came into the boat?——They had great coats on.

The priſoner Moore called two witneſſes who gave him a good character.

The priſoner Williams called one witneſs who gave him a very good character.

Court to James White and John Coates. Did either of you ſee a baſket in the boat?—*Coates.* Yes, I ſaw a baſket.

ALL THREE GUILTY, Death.

Court to Waterman. Your conduct has been extremely ſuſpicious, I hope from the fate that attends theſe priſoners, you will take warning, and be more careful in future.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

672. DAVID

672. DAVID ENGLISH was indicted for feloniouſly ſtealing on the 31ſt of May, twenty-five yards of white thread lace, value 3l. the property of John Baker, Robert Dawſon, and John William Gallabin, privily in their ſhop.

JOHN WILLIAM GALLABIN *ſworn.*

I am one of the aſſignees with John Baker and Robert Dawſon, to Thomas Baker, the aſſignment was made before this robbery happened.

Then you were in poſſeſſion of the goods and the ſhop?—Yes, about a week.

MARY ANN DADLEE *ſworn.*

I looked after this ſhop, I loſt this lace between ten and eleven on Tueſday morning the 31ſt of May, there was nobody in the ſhop between the time I laid the laces in the window till the priſoner came in, I was in the parlour, I had laid the laces out even, I ſat with my chair cloſe to the door of the parlour, I turned my head round and I ſaw the priſoner in the ſhop, feeling in his pocket for ſomething behind his coat, I thought he had ſomething to match, I went into the ſhop and aſked him what he wanted, he ſaid, does Mrs. Thompſon live here, I told him no, he immediately went out of the ſhop.

Jury. You did not ſee him enter in at the door?——No, Sir, I turned round my head and ſaw him there; I miſſed a card of lace, there was a vacancy, I immediately purſued him, he had got to the next ſhop window, I followed him from New Turnſtile, ours is the third ſhop from New Turnſtile, he looked behind him and ſaw me run, and he ſet off and ran as faſt as he could, I called out ſtop thief, and the neighbours ran, ſome coachmakers, and I then loſt ſight of him down Gate-ſtreet, and I returned to the ſhop, and a man came immediately and ſaid the boy was taken, and the lace was found; I went immediately into Lincoln's-Inn Fields and ſaw the priſoner, and knew him again, I am confident it was the priſoner.

Mr. Garrow, Priſoner's Council. Was there any other perſon but the priſoner when you ſaw him in the ſhop?—No.

Deſcribe a little the ſituation of the ſhop to that part from whence the lace was taken?——He muſt come in the ſhop to take the lace.

So that ſitting in that ſituation, if I underſtand you, you ſaw him draw the lace?——No, he was ſhuffling in his pocket.

Court. She did not know that anything was gone, ſhe ſaw nothing taken, her impreſſion at the time was this, that he wanted to match ſomething, it is the actual taking conſtitutes the felony, ſhe had no idea that he had got anything of her's.

Mr. Garrow. I take it that it is not at all neceſſary that you ſhould ſee the actual thing taken, if you ſee the act of taking, in ſo penal a caſe as this is.

Mr. Juſtice Heath. It muſt be left to the Jury.

Mr. Garrow. In a caſe where a man ſaid, I felt the act of pulſation in my fob, it was ſo held.

Mr. Juſtice Buller. But here he had got poſſeſſion of the thing at the time that ſhe firſt ſaw him, her firſt conception was, that he had ſomething to match.

WILLIAM FALKNER *ſworn.*

Here are two cards of lace which I had out of the houſe of Mr. Hamilton's area, it was thrown down his area.

Mr. Garrow. Did you ſee him throw it down?——I did not, I took the priſoner in Mr. Hamilton's yard.

(The lace depoſed to.)

Priſoner. I leave it to my council to ſay for me.

JAMES ENGLISH *ſworn.*

I am the father of the boy, he is fifteen years and an half old, he was apprentice to me, he was at work with me about an hour and an half before, I ſent him out to ſeveral places, we wanted a piece of blue perſian, and I told him to go to Mr. Thompſon's for a piece, he is a very honeſt lad, a ſober, orderly good boy.

The priſoner called three other witneſſes who all gave him a very good character.

Court to Jury. Gentlemen, the only queſtion is, whether he did or did not take it privately, the diſtinction has been, whether they take ſo as nobody ſees them at the time they actually commit the theft, or whether they are diſcovered in the act of the theft; here the boy was in the ſhop before ſhe ſaw him, and he was fumbling in his pocket; if he had before that time got poſſeſſion of the lace, the felony is compleat; if you think then the boy was in the act of taking it, it does not amount to taking privately.

GUILTY, Death.

The priſoner was humbly recommended to mercy by the Proſecutor.

Court to James Engliſh. Has your ſon ever appeared here before?—Never in his life, nor no where elſe.

Court. You are more to be pitied than your ſon a great deal.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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673. JAMES M'INTOSH was indicted for feloniouſly ſtealing, on the 7th of June, one ſilver milk pot, value 2l. 12s. 6d. five ſilver tea ſpoons, value 18s. a pair of tea tongs, value 12s. a pair of ſtone ſhoe buckles, value 21s. one paſte buckle for the arm, value 10s. 6d. a pair of ſciſſars tipped with ſilver, value 4s. a miniature picture ſet in gold, value 3l. 13s. 6d. a pen knife, value 12d. a laylock ſilk gown and petticoat, value 4l. 4s. a morone ſilk gown, value 42s. a blue and white ſtriped gown, value 42s. a white corded dimity muſlin gown, value 27s. 6d. a muſlin jacket and coat, value 30s. 6d. a callico gown and coat, value 52s. 6d. a red ſtriped cotton gown, value 21s. a blue ſtuff flounced petticoat, value 12s. a pair of ſheets, value 15s. a pair of pillow caſes, value 5s. ſix yards of cloth, value 12s. five dimity under petticoats, value 14s. three aprons, value 8s. five neck handkerchiefs, value 8s. eight pair of cotton ſtockings, value 20s. a pair of ſilk ſtockings, value 5s. a ſhawl, value 12s. another ſhawl, value 10s. a pair of muſlin ruffles, value 10s. two linen ſhifts, value 10s. four linen handkerchiefs, value 2s. four yards of black lace, value 22s. a dreſſing gown, value 10s. a muſlin apron, value 5s. a glaſs pepper caſter with a plated top, value 2s. one pair of ſtays, value 18s. a tea cheſt, value 3s. two tin canniſters, value 2s. a pair of ſhoes, value 2s. two linen bed gowns, value 5s. two muſlin handkerchiefs, value 3s. a Spaniſh dollar, value 4s. 6d. and twelve guineas, value 12l. 12s. in monies numbered, the property of Margaret M'Farlen, in the dwelling houſe of Robert Munday.

(*The Caſe opened by Mr. Garrow.*)

MARGARET M'FARLEN *ſworn.*

I lodge at Mr. Munday's Liſle-ſtreet, Leiceſter-fields, I went out in the evening a little before ſix, I left every drawer ſhut, and every thing properly locked up, and I double locked the door of my apartment and took my key, I left at home Miſs Munday, and the priſoner who was apprentice to Mr. Munday, who was a taylor, and did not live at home, he was in the Fleet; he has never been at home ſince I was there, I came home about eleven, and deſired them to lend me a light, and when I went up I found this picklock key in my door, I went in and found every thing gone and the drawers empty in my room; I then run to the little trunk where I had a little property of money, that I had ſaved to pay ſome money, it was all gone, and every thing but a half guinea which they dropped; I am ſure there were twelve guineas, there might be more, there was a very nice ſilver milk jug, five ſilver tea ſpoons, and a pair of tea tongs, there was a pepper caſter with a plated top; there was

was a laylock ſilk gown and coat, and other things, the milk pot was worth two pounds twelve ſhillings; the next day I was engaged at Weſtminſter Abbey, I gave information and the priſoner was taken up in conſequence of it, and on the Friday I ſaw him at Litchfield-ſtreet, he was then dreſſed in a pair of new olive coloured breeches a new dark waiſtcoat, new hat and new ſtockings, and new plated buckles, I never ſaw him in any ſuch clothes before, for he was very much diſtreſſed, and had not a ſhilling at any time, for his maſter could not give him any money, I loſt in money and cloths as I reckon, the loweſt is fifty pounds.

SARAH MUNDAY *ſworn.*

Mr. Garrow. Speak out and remember you have juſt taken an oath?——The priſoner was apprentice to my father, I remember Miſs M'Farlen going out about ſix, the priſoner was at home, I went out after ſeven and left the priſoner at home then in the parlour; there was a gentleman in the houſe that lodges in the one pair of ſtairs.

Had you heard any noiſe like the breaking open any places before you went out at ſeven?——I had been ill in bed, and I had buſineſs to go out upon.

How near was your apartment to her's?—Mine is in the parlour, and the lady's is up two pair of ſtairs, I returned at eleven, and I did not find the priſoner at home; I did not go up ſtairs till Miſs M'Farlen called me, I ſaw her firſt at the ſtreet door, or in my apartment which is the parlour, I did not let her in.

When ſhe came in, did you tell her any thing about the ſtate of her apartment?—I did not know anything till ſhe called me up ſtairs.

Did the priſoner come home again that evening?——No.

When did you firſt ſee him again?——After he was in cuſtody.

How was he dreſſed when he was in cuſtody?——In a green coat.

Had he anything new on?——Not that I perceived, I heard that he had new things on.

Had you ſeen any of thoſe things which he had on when he was in cuſtody, before this robbery, upon your oath?——Not to my knowledge, that is all I know about it, the proſecutrix ſaid, if the priſoner would give up the property, ſhe would drop the proſecution, and my father and me, and two or three more went down to Tothill-fields.

JUDITH SHAW *ſworn.*

I live in Princeſs-ſtreet, Leiceſter-fields facing Liſle-ſtreet, it has the whole command of the ſtreet, and every body coming in and going out; I remember the priſoner at the bar, and on the 7th of June, I ſaw him go into Mr. Munday's houſe, I ſuppoſe it to be paſt ſeven o'clock, I ſaw he had a green coat on, I was reſting my eyes, it was near eight, and preſently I ſaw him come out of the door with a large bundle, and he looked about and beckoned to ſomebody behind him who was ſomething taller than this lad; he went firſt and the other followed him with another bundle in his arm not ſo big; they went towards Sydney's-alley, I thought they could not be taylor's clothes going home, I thought it would be very wrong to carry them home in a wet evening.

Are you quite ſure that it was the priſoner?——Upon my word and my oath I have no doubt about it, I told him before the Juſtice, ſays he, I had no bundle, nor had nobody with me, this was about eight, he was about a quarter of an hour in the houſe.

JANE TEW *ſworn.*

I live in Liſle-ſtreet, oppoſite Mr. Munday's houſe, I know the priſoner, I ſaw him on the evening on the 7th of June, between ſeven and eight come along the ſtreet and go into the houſe, and in about a minute or two he came out again, and called a young man of the name of Joe, I think to the beſt of my knowledge he had a green coat, he had no bundle at that time, I ſaw no more of him they went in together.

ELLIS

ELLIS ROBERTS *ſworn.*

I apprehended the priſoner at the Bull and Mouth in Drury-lane, I ſearched him and found ſeven ſhillings in his pocket, he was dreſſed in a green coat, with new velvet breeches and waiſtcoat, new ſtockings, and a pair of new buckles, and this new hat he had on, I have known the lad for a couple of years, I keep a public houſe juſt by there, and he frequented the houſe, his father and all his relations.

PRISONER's DEFENCE.

I am intirely innocent of the affair, and the money that I bought that coat with, was a guinea my maſter gave me to get it out of pledge.

ROBERT MUNDAY *ſworn.*

I am the maſter of the lad, I have known him from an infant of a week old, I had him at ſchool for a conſiderable time, I cannot ſay that he has not been guilty of juvenile follies; as to honeſty, I have ſent him frequently home with clothes,

What has been his general character?—A very good one.

Mrs. SYBELIOUS *ſworn.*

I am a lodger in the houſe, for three months, I believe I have heard he has been guilty of little wildneſs and follies, but I have intruſted him with the keys of my room and money, I gave him a pair of velvet breeches, they were my huſband's who died about half a year ago, they were a very good pair almoſt new.

Mr. Garrow. When did you give them?——About a month before he altered them and wore them.

The priſoner called one witneſs to his character.

Sarah Munday. I know the lady that lodges in our houſe gave the priſoner a pair of breeches.

Mrs. Sybelious. They were black, and he dyed ſome wood to make them more black, it was brazil, and it made them brown.

Proſecutrix. Theſe were olive breeches.

Roberts. They were new olive breeches.

Munday. He had a guinea from me.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice HEATH.

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674. MARTIN TAYLOR and ELIZABETH TAYLOR were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Samuel Hooker at the hour of two in the night, on the 7th of May laſt, and burglariouſly ſtealing therein ſixty yards of linen cloth, value 6l. ten linen handkerchiefs, value 20s. two hundred and fifty yards of thread lace, value 20l. one hundred and fifty yards of thread edging, value 10l. two hundred and fifty yards of black lace, value 10l. four ſilver table ſpoons, value 40s. five ſilver tea ſpoons, value 5s. a pair of ſilver tea tongs, value 5s. a ſilver milk ewer, value 16s. two thouſand yards of ſilk ribbon, value 80l. thirty yards of muſlin, value 4l. and two ſilk handkerchiefs, value 9s. the property of the ſaid Samuel.

(The caſe opened by Mr. Silveſter.)

SAMUEL HOOKER *ſworn.*

I am a houſekeeper at Highgate, the woman priſoner lived ſervant with me about ſixteen months ago, I never ſaw the man before his apprehenſion to my knowledge; on the 7th of May as was my uſual cuſtom, to ſee my houſe faſtened up, and my family and I retired to bed, the watchman gone half paſt ten, I faſtened the houſe myſelf, I was the laſt perſon that went up ſtairs to bed; in the morning when I got up between ſix and ſeven, I was ſurpriſed by an uncommon ſtrong light which ſhone into the kitchen, and when I went down, I found a hole had been broke under the kitchen window, the hole was four courſe of bricks taken down, and by which I or a luſtier man than I, could get in: I then went

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went into the ſhop, there I miſſed three boxes of lace, and alſo ſix drawers of ribbons, I then directly went out to a neighbour, and took him in to ſee the ſituation of my houſe, I ſhewed him the diſtreſſed ſituation I was in, and likewiſe told him I was ruined, for I had loſt two hundred pounds worth of goods and upwards, I found two pieces of muſlins, and ſome edgings, and ſilk handkerchiefs, and pocket handkerchiefs had been taken out of the window, ſome Iriſh linens from the counter, and ſome of the ſhelves, upon that I immediately applied to the Rotation-office, in Bow-ſtreet, and it was adverti ſed, I alſo applied at Mr. Wilmot's office, but nothing tranſpired, I alſo applied to Mr. Seaſons the conſtable, and I went with Seaſons to the dwelling houſe of the priſoner Martin Taylor, that was the 18th, and there I found a cap which had ſome lace on, which I ſhall identify; I alſo found ſome few yards of ribbon, nothing elſe was found there.

Jury. Were the ribbons on blocks?—They were not; after his apprehenſion we went to the houſe of Mrs. Halloway, there I found different pieces of Iriſh linen cut into ſhirts and ſhifts, and I found a handkerchief on Mr. Powell, which was in my ſhop window before; I then went with the officer to apprehend Elizabeth Taylor, at Bow-fair, and ſhe attempted to run away from me, ſhe was brought to town to Mr. Seaſons's houſe, ſhe was ſearched, there was a ſmall quantity of ribbon found in her pocket book, when ſhe was before the Magiſtrate, ſhe made a confeſſion of the whole tranſaction.

Was any thing ſaid to her to induce her to confeſs?——Not to my knowledge.

Mr. Garrow, Priſoner's Council. Was not ſhe told ſhe ſhould be hanged if ſhe did not?——I think, I can competently ſay, I am very ſure ſhe was not, I was out of Court when ſhe made the confeſſion, ſhe acknowledged to me, ſhe took away three boxes of lace, I queſtioned her to theſe three boxes; I cannot ſay whether this confeſſion was taken in writing; ſhe ſaid, that ſhe ſtood about three or four yards diſtant from where this hole was made, and that ſhe received the property from two men that committed the robbery.

MARY HALLOWAY *ſworn.*

I live in Dowlings-buildings, Portpool-lane, Leather-lane, at No. 12; I know both the priſoners, the man lodged in my houſe ſometime, and his ſiſter, I know by coming backwards and forwards to ſee him; I made ſhirts for him, and ſhifts for his wife, and he came and left me a bit of cloth to make his ſiſter a couple of ſhifts; a gentleman came and claimed the cloth, I am ſure I received that piece of cloth from the priſoner Martin Taylor.

THOMAS SEASONS *ſworn.*

I am a conſtable, I ſearched this woman's houſe, here is the cloth I took from her houſe, and ſome ribbons, theſe were all found in the apartment of Mrs. Halloway.

Mrs. Halloway. The beſt part of theſe things were in my apartment, and others in the apartment of Mrs. Powell.

Mr. Garrow to Mrs. Halloway. Do you know the cloth?——Mr. Seaſons and another ſhewed me that cloth, my huſband is a hackney coachman, and I do a little work for anybody; I am ſure I received that cloth from the priſoner Martin Taylor about a fortnight before I had the ſhirts, he came on Monday to be meaſured for the ſhirts, and he was taken up on the Wedneſday.

Seaſons. This is the linen I received from this woman, we ſearched the houſe and the drawers all over, the proſecutor rolls it up and takes hold of it, ſays he, I verily believe this is my linen, this has my private ſhop mark; then I took Mrs. Halloway into cuſtody; I went up ſtairs, and ſome of the things were found in the room of Mrs. Powell, up one pair of ſtairs, and this ribbon, and theſe things were found in her poſſeſſion.

Court. What did you find in Martin Taylor's apartment?——We apprehended him firſt, I went to this place afterwards; I de-

I desired the people to step down stairs, and to mind the door, I did not know he was the landlord of the house; I saw nobody upstairs but a man who was in the glass-cutting way, I found this in Martin Taylor's apartment, this ribbon, and this bit of linen and this cap; we then went to Bow fair, I did not know Elizabeth Taylor, and the prosecutor said that is she, then we went and took her, and knocked down about a dozen sausage stalls; there were fifty thieves endeavouring to rescue her, I desired them to take particular care of her hands; I took her to my house and examined her, and found this pocket-book on her, with this ribbon, and two duplicates, but they were not relative to this matter: she desired to speak to me on one side; says I, I am very sorry; she said, if a confession of any kind would be of any service to her she would make a confession of the robbery; I said I could hear nothing of it, she then said, she with two more persons, went and committed this burglary.

Mr. Garrow. That is just what she said about it?——Yes.

Was that her expression, or is that your polish when you are giving evidence upon oath, to affect the lives of prisoners?

Powell. The ribbons were not found in my room; there were two shifts found in my room, which I made for Catherine Taylor, the wife of Martin, I know nothing of Elizabeth Taylor, only I have seen her come up and down to her brother.

Prosecutor. This cap and ribbon that was found, it is a pattern of lace which I was pretty positive I had in my shop before I was robbed, and I have a counter part of the same lace; the other things, and the ribbon, I do not so positively swear to; the Irish linen has my shop mark, which is, U. R. W. but it is in characters; I mark all in characters; I cannot positively swear to these, because they have not my mark upon them, they are linen cloth, and in all probability a counter part of these I have here, but this bit of lace was brought to me by Ann Powell, it is a counter part of the lace; this handkerchief was in my shop window the night before the robbery; I have red and purple of the same pattern; there is no mark upon it, it was brought to me by Elizabeth Powell; this edging was given me by Elizabeth Powell.

Mrs. Powell. I had that edging from the same person, the wife.

PRISONER MARTIN TAYLOR's DEFENCE.

I went to see an acquaintance in the Borough, and returning home a man asked me to look at some handkerchiefs, he said he was afraid of the custom-house officers, he shewed me some, I did not approve of them, and I bought some linen of him at 22d. per yard, he sold it me for fourteen yards, and I brought it home and kept it four or five days, and I got Mrs. Halloway to make it for me, as my wife goes out every day with fruit and fish.

ELIZABETH TAYLOR's DEFENCE

I know nothing at all about it.

MARTIN TAYLOR, ELIZABETH TAYLOR } GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Justice BULLER.

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675. JOHN BURN was indicted for feloniously assaulting William Jones on the King's highway, on the 18th of June, putting him in corporal fear and danger of his life, and feloniously taking from his person, and against his will, one wooden cask, containing nine gallons of rum, value 4l. the property of Elizabeth Stutfield, widow, and Charles Stutfield.

WILLIAM JONES *sworn.*

I am porter to Mr. Charles Stutfield and his mother Elizabeth, I was going to the New Road, Whitechapel, with nine gallons of rum, on last Saturday sev'nnight, between three and four, and five men met me, two of them took hold of my collar, and swore they were Custom-house officers, I told them I had a permit, the other three swore they were Custom-house officers, and they

they muſt have my keg and would have it, and I told them they ſhould not, with that the two ſhoved it off my head, it ſtaved directly, and liquor came out; I purſued after the priſoner and took him, and I went after the keg and took it up; they ſtaved out the head clean, and all the liquor was loſt; the reſt of the men got off.

Was nobody going by at that time?—There were very few nigh me; the priſoner ran away, and I purſued after him, and he came with his double fiſt, and ſaid, you take me, I ſaid yes, I will have you, and one of the neighbours aſſiſted me.

CHARLES STUTFIELD *ſworn.*

On Saturday the 9th of laſt month I ſent our porter William Jones with nine gallons of rum, to Mr. David Davis, of Whitechapel, with a bill and permit.

PRISONER's DEFENCE.

Coming along Whitechapel, I met Jones, and there were four more men walking along, I paſſed by them, and I heard one ſay to the other, I do not like that man, I believe he has ſmuggled liquor, I turned round and ſaw the four men make up to him, and I went up and ſpoke to him, and aſked him what was the matter; they ſaid it was ſmuggled liquor, then I was going away, and the liquor flew off his head, he called ſtop thief after me, and I ſaid for what, he ſaid I threw it off his head.

Jones. I take my oath that the priſoner is the man that took me by the collar, I ſaw them at a diſtance laughing and all playing the rogue together, this man was along with the other four, they were all in one company, they all came up to me together; the priſoner took me by the collar, and ſaid, he and another in a blue coat were cuſtom-houſe officers.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

676. JAMES COTTA was indicted for feloniouſly ſtealing on the 26th of June two linen ſhirts, value 2s. ſeventeen guineas and one half guinea, the property of William Ellard, in the dwelling houſe of William Birchall.

(The witneſſes examined apart at the requeſt of the priſoner.)

WILLIAM ELLARD *ſworn.*

I live in Church-ſtreet, Bethnal-green, in the houſe of William Birchall, laſt Sunday, between three and ſeven, I loſt ſeventeen guineas and an half, and two ſhirts, I was out at three, and back again at ten; I am ſure they were there when I went out, and the box was broke open; it was kept behind the room where I uſed to work, I found one of the ſhirts at the priſoner's daughter's houſe, in King Edward's ſtreet, Mile-end New Town: the reaſon I had for accuſing the priſoner was, he returned ſome of the money back again the next morning, he ſaid he had been in fault, and was ſorry for it, and I told him if he would return the money I would not trouble him; upon my telling him that, he returned me a part of the money, I only found one ſhirt, the other he had on, as he ſaid himſelf, I did not examine it, he told me he had the ſhirt on before I promiſed not to trouble him.

SAMUEL KING *ſworn.*

The father of the proſecutor came to me, for he ſaid his ſon had been robbed, and he had hanged himſelf; I went up with as much expedition as I could, and I and another cut him down, when we cut him down and brought him to life, for he ſeemed to be dead; he looked to ſee whether he was robbed, and he found his box broke open; on the Monday morning they brought this priſoner, and he ſaid he was ſorry for what he had done, and he would give me what money he had; William Ellard the proſecutor was preſent; then he gave me five guineas in gold, twenty-four ſhillings and ſix-pence in ſilver, and ſix half-pence in copper; when we came before Mr. Wilmot, Mr. Wilmot aſked him if he did not know

know of any more money, he ſaid at firſt, he was ſorry for what he had done.

Do you remember William Ellard telling him that if he would return the money, he would not trouble him?——I did not hear any ſuch thing.

JOHN ELLARD *ſworn.*

I know the priſoner, when I took him, he owned he had taken the money, and he gave part of the money back again; that was when I firſt carried him up in the ſhop, I found him at his daughter's about nine in the morning; I ſuppoſed he had taken the two ſhirts to be waſhed, I found the two ſhirts there, one he had on; he came to his daughter's after I came there; the firſt time nobody was at home, the ſecond time he came, I told him he muſt go with me, and he ſaid he would, I think as ſoon as ever he came into my brother's ſhop he ſaid he had done a bad thing, we did not ſay anything about it coming along.

Did he ſay he had done a bad thing before your brother ſpoke to him, or afterwards?——I believe it was before, as ſoon as he came into the ſhop, I ſaw him return part of the money back again.

JOHN CRAYDEN *ſworn.*

Laſt Monday morning, John Ellard, the younger, came to my houſe, and told me there was a melancholy circumſtance happened, that his brother was robbed and had hung himſelf, and he ſuſpected the priſoner, and he aſked me where his daughter lived; I ſaw John Ellard the younger and the priſoner come paſt my door, and in following them, I ſaw the priſoner try to throw ſome money out of his hand, and in going from my door to the proſecutor's houſe, I ſaid to the priſoner, what a ſhocking thing this had like to have been Jemmy, how could you be guilty of ſuch a thing as this, ſays I you had better let us ſee what money you have, I believe this was before William Ellard ſpoke to him, with that he put down five guineas and twenty-four ſhillings and ſix-pence in ſilver, and ſix half-pence in copper, I ſaid that never can be all, ſhew us the reſt; ſays he I have no more; ſays I you could not ſpend it in ſuch a ſhort time as this, what have you done with the ſhirts, he ſaid he had one on his back, and the other he left at his daughter's; I went to the daughter's, and ſhe gave it me.

The ſhirts depoſed to, the ſhirts were in the ſame room as the money, hanging on a line.

ELIZABETH ELLARD *ſworn.*

Are you related to William Ellard?——I am his ſiſter in law. (*Looks at the ſhirt.*) I know this ſhirt, it is William Ellard's, I know it by a particular mark with a bit of yellow worſted which is put there.

PRISONER's DEFENCE.

They went out laſt Sunday between two and three, I was laying on the bed, about four I got up and waſhed myſelf and went out, I had a pint of beer, they came back again and found the door open, by reaſon of my leaving the key on one ſide of the door, I went into the garret and found nobody, I found this money juſt at the foot of my bed in a paper.

JAMES SMITH *ſworn.*

I have known the priſoner fifteen or ſixteen years, he has worked for a houſe I have been foreman to almoſt all the time; I always found him a very honeſt diligent man, never heard any ſyllable againſt his character till this preſent occaſion.

PETER ENVOICE *ſworn.*

I have known the priſoner theſe twenty-five or twenty-ſix years, and I never heard anything of him diſhoneſt before I aſſure you.

MARY HENSHAW *ſworn.*

I have known him twenty-five years, always thought him to be a very honeſt man.

SAMUEL ALDRIDGE *ſworn.*

I have known him between nineteen and twenty years, I never heard any harm or miſdemeanor of him, but always a hard working man.

JAMES BUCKLEY *ſworn.*

I have known him ten years, he was a very induſtrious, hard working man.

RICHARD EVANS *ſworn.*

I have known him eight years, never knew him to be anything elſe but a hard working honeſt man.

SAMUEL HULL *ſworn.*

I have known the priſoner ten years, never knew anything amiſs of him in all my life, but a hard working honeſt man.

SAMUEL KING *ſworn.*

Though I was a witneſs againſt him, I have known the proſecutor and priſoner, I never knew anything againſt him in my life.

JOHN JONES *ſworn.*

I have known him a year and half, he has followed his work for that time regularly and conſtantly.

GUILTY, Death.

Court to Samuel King. Suppoſe this man was to get at large ſoon, who would employ him?——I am almoſt ſure the perſon who has employed him theſe twelve years would.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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677. WILLIAM CRUSE was indicted for feloniouſly ſtealing, on the 6th of June, one callico printed gown, value 20s. a man's linen ſhirt, value 12d. a linen ſhift, value 12d. a pair of ſilk and cotton ſtockings, value 12d. a pair of worſted ſtockings, value 12d. two white muſlin handkerchiefs, value 12d. two white cloth aprons, value 3s. a ſheet, value 4s. a gold ring ſet with garnet ſtones, value 5s. one other gold ring ſet with other ſtones, value 5s. two pair of ſilver ear rings, ſet with ſtone, value 6s. a ſilver thimble, value 12d. a piece of a ſilver locket, value 6d. two pair of ſleeve buttons, value 12d. one enamelled box, value 12d. and ſeven guineas, value 7l. 7s. and one half guinea, value 10s. 6d. the property of John Shirley, in his dwelling houſe.

MARY SHIRLEY *ſworn.*

I live at the Plaiſterers Arms, in Tottenham-court-road, my huſband's name is John Shirley, on the 6th of June, I loſt every article that is mentioned, and a great many more; I did not find it out till ten at night, there were ſeven guineas and a half, four in a box and the reſt looſe, every thing was in the drawers at five o'clock.

Where was you from five to ten?——I was in my bar minding my buſineſs, I went to put my little boy to bed, I have two doors to my room, I unlocked one, and the moment I went into my room, I found the other door was broke open, I found a parcel of rags, which I call patches, laying about in my room, which had been moved and the work bag taken; I catched the priſoner myſelf in the ſtreet, becauſe he bore a very bad character, and he lodged in my houſe for a week, and I did not intend to let him lodge there longer, he ſaid himſelf he was in; nobody ſaw him there, but I know it muſt have been him; I had not ſeen him ſince he came in, I ſaw the ſhift laying on the bed, and a pair of large ſciſſars laying on the bed; I broke his room door open myſelf, I called firſt and nobody anſwered, but the ſciſſars were fetched away, and the thread was left behind, I told him he ſhould not lodge any longer without he paid me a week's lodging, and he had no money; I did not ſee him till I took him up, the 6th of June was on a Monday, and on the Tueſday morning, met him in Charlotte-ſtreet, I laid hold of his collar, ſays I, you dog, you have robbed me, ſays he, if you will not ſend for a conſtable, I will tell you where your things are, and give you part of the money, and ſend for my uncle; he ſaid, if I ſent for a conſtable he was ſure to be *done*, I ſent for a conſtable, the minute I went into the houſe, and I ſent for a coach, and he told me he had ſold all the things to Mrs. Brown in Fleet-lane, for ſix thil-

lings he told me he bought a ſilk handkerchief for two ſhillings, and he had but four ſhillings, I went to Mrs. Brown, and ſhe flew in a great paſſion, and ſaid, ſhe had no ſuch things in her houſe, and never ſaw the boy, I fetched the priſoner to Mrs. Brown's, ſhe denied having anything, pho, pho, ſays he, you know I ſold you them laſt night, and you put me out, and there was a boy that was born with a double chin; in ſearching him there was a part of a ſilver locket found in his pocket, which I had in my hand that very day; I put them together as old ſilver, thinking to ſell them the next day, to buy my child a frock, he gave the conſtable three guineas and a half, as part of my money, and ſaid he would ſend for his uncle to make up the reſt, the conſtable has the money, I got none of the things of Mrs. Brown, the Juſtice gave him from Tueſday till Friday to conſider who had them, and on Wedneſday he told me he ſold them to Mrs. Brown; he ſaid he went to his girl in Newtoner's-lane, but ſhe was gone to live with another man, I aſked him how he came to break the lock of my door, and he ſaid nobody ſaw him do it, if he did do it.

Court. Is that part of Fleet-lane, where Brown lives, in London or Weſtminſter?——At the bottom next Holborn.

SAMUEL ABBOTT *ſworn.*

I am a conſtable, the proſecutrix took the priſoner to the public houſe in Bedford Square, and ſent for me, accordingly I took charge of him, he ſoon confeſſed the whole in going to the Juſtice's, he ſaid, he would reſtore it as already related, and what money he had about him he would reſtore again, then he gave me that money.

Were any promiſes or threats made uſe of to make the priſoner confeſs?——She promiſed that ſhe would not take him to the Juſtice if he would confeſs.

Was that before he confeſſed anything?——Yes, I ſearched him at Juſtice Blackborough's, and took from him a part of a ſilver locket, and a pair of ſciſſars.

(The locket depoſed to by the proſecutrix.)

Proſecutrix. I have had it for ſome years, I ſaid, if he would reſtore all my things again, I would not carry him to the Juſtice, for it would be the ruin of me, as I had nobody at home, and had two young children, I could not ſpare time to attend him here; I ſaid if he would reſtore all my property again.

GEORGE COPELAND *ſworn.*

I cannot ſtate any more than what has been ſtated before.

PRISONER's DEFENCE.

She told me if I would let her have her things and would confeſs, ſhe would not take me to the Juſtice, the money was my own money, but rather than be taken to the Juſtice I gave it her, I have no relations, my father and mother have been dead ſeventeen years, I am ſure ſhe never had a bad character of me, I had not been out of work above a week, and I did a good many jobs for her.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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678. MARY HUGHES and CATHERINE MARTIN were indicted for feloniouſly ſtealing, on the 22d of June, eight yards of muſlin, value 40s. the property of Joſeph Capps, privily in his ſhop.

JOHN HARDY *ſworn.*

I am ſhopman to Mr. Capps, at No. 35, Oxford-ſtreet; on the 22d of June laſt, between two and three, theſe two priſoners came into our ſhop, and aſked to look at ſome muſlins, I cannot tell which aſked, they were together, they both looked at them; I reached them down ſome muſlins, and they looked at them, part was folded up in paper and part I gave to them, I rather took a rough ſurvey of what there was, and they deſired me to cut off three nails, I could not immediately aſcertain what quantity there was on the counter,

folded

folded up the three nails for them, and they walked out of the ſhop, I had ſome ſuſpicion that they muſt have ſomething with them, and I immediately followed them, I thought there was not the quantity, but I did not know; I purſued them without knowing whether I had loſt anything or not, and on the priſoner, Mary Hughes, I found a quantity of muſlin, the priſoner Martin was brought back and examined, but nothing of our property was found on her, but the three nails of muſlin which ſhe paid for. *(The muſlin produced)* I cannot recollect whether it is the ſame ſort I ſold to Catherine Martin or not, I think I know this muſlin very well, here is our mark upon it.

Are you ſure it is your's?—Yes, I know this was in the paper in the morning I took five pieces out of the papers, and they were ſo confuſed, I could not tell whether there were five or not, I threw them under the counter before I went after them, and when I returned I found only four under the counter, they were only got a little diſtance when I followed them.

What is the value of that piece of muſlin?—It coſt ſix ſhillings a yard, there are eight yards of it.

PRISONER HUGHES's DEFENCE.

It was not known to me, that I had any property of that gentleman's about me; I have no counſel, I hope you will plead my cauſe, I am innocent I do not deny its being taken from but I deny the having it knowingly.

PRISONER MARTIN's DEFENCE.

What I aſked for I bought and paid for.

The priſoner Hughes called four witneſſes who gave her a good character.

The priſoner Martin called one witneſs to her character.

MARY HUGHES, } GUILTY, Death.
CATH. MARTIN, }

Hardy. I was ſuſpicious of them, for I ſaw a movement in the cloak of Martin, and at that time I ſuppoſed ſhe had ſomething, and I thought ſhe had the muſlin, and I am confident that the priſoner Hughes, from the place where ſhe ſtood could not take it.

They were humbly recommended by the Proſecutor to his Majeſty's mercy.

Tried by the firſt Middleſex Jury before Mr. Juſtice BULLER.

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679. JOHN COX and WILLIAM STAPLES were indicted for feloniouſly aſſaulting Elizabeth Gower, ſpinſter, on the King's highway, on the 29th of June, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one ſilk cloak, value 3s. and two ſhillings in monies numbered, her property.

The witneſſes examined apart at the requeſt of the priſoners.

ELIZABETH GOWER *ſworn.*

I was robbed the 29th of June, about ten o'clock, between High-ſtreet and Baker-ſtreet, behind Portman-ſquare, in the waſte ground, I was croſſing, and ſaw two boys lay on the graſs, I turned from the path to avoid them, they aroſe and came up to me, and aſked me if I had got any money, I told them no; one took hold of my hand, and the other put his hand in my pocket, and robbed me of two ſhillings, I had no more in my pocket, and he took my cloak.

In what manner did he take theſe things from you?——I begged him to let my cloak alone, and I endeavoured to hold my cloak, and the other held a knife to my throat, then I let my cloak go; then they told me to go along about my buſineſs, and not follow them; I ſtood ſtill and let them go, and then I was going to follow them, there being a public houſe near, and the other turned round with his knife, and ſwore he would run me through if I followed them; I did not go on then, I let them go off; I went to No. 8, in little Mary-le-bon-ſtreet, to a friend's houſe, and told them I was robbed.

What

What ſort of night was it?——It was a very clear night.

Was it before or after ten?——The watchman had juſt gone ten.

Had you light enough to diſtinguiſh the features of the perſons that robbed you?——Yes.

How long was it after that the priſoners were taken?——The next day, one at four o'clock, the other at eight in the afternoon, I ſaw them the next day? I deſcribed them to the watchmen, and they went round to ſearch for them, and ſaw them at a public houſe where they robbed me, not twenty yards off, there were fourteen or fifteen of them in company altogether, and I picked out the priſoners, I knew them perfectly well; I am now quite ſure theſe are the two; I never ſaw them before the robbery, but I have no doubt but they are the perſons; my cloak was never found.

Priſoner. The proſecutrix ſaid at the Juſtice's ſhe did not know which of us it was that took out the knife.

Proſecutrix. I told the Juſtice which it was, it was the priſoner Cox.

Jury. Are you ſure theſe are the men that robbed you?——I am ſure and poſitive.

LAWRENCE JONES *ſworn.*

After I had cried ten on Wedneſday the 29th of June, this woman came by my box crying, and the poſtman aſked her the cauſe, ſhe ſaid two men were laying in the field, and they had robbed her, I went up and ſhe told me the ſame, then I went and called my partner; ſhe deſcribed them, and we went to ſearch for them, we gueſſed partly who they were, the next day we went again, and ſhe deſcribed them in the ſame manner again, and we went and took her to a houſe where theſe people reſort.

What houſe is that?——At the bottom of High-ſtreet, there is a ſkittle-ground, the man's name is Dickinſon, there were about a dozen of them there, and ſhe knew them when ſhe came up, and before ſhe came within a hundred yards ſhe ſaid them were the very men that attacked her the night before.

Did ſhe heſitate which it was?——Not a word, ſhe fixed upon the two directly, I found a knife with two blades upon him, a common knife.

Proſecutrix. The knife that was put to me was a ſmalliſh knife, and much ſuch a knife as that.

JOHN HOARE *ſworn.*

There were ſeveral more people there, ſhe knew them immediately, and ſhewed them to us, the young woman appeared to be very clear, the priſoners ſaid nothing when they were taken up neither one way nor the other.

HENRY WARNER *ſworn.*

On the 29th of laſt month, at eleven, as I was going upon duty, I met Jones the watchman, and he told me of this robbery, the next day we went in purſuit and took the two priſoners, by the deſcription the young woman gave us, the young woman went with one of the watchmen, which was Millar, then ſhe ſaw the two men, and told him they were the two men; he did not think he could attack them both, ſo we went with him, and we took the priſoners, ſhe was not with us then, I believe ſhe was in a houſe in Baker ſtreet; Cox was taken firſt, and the other ſome time after.

Who took Cox?——There were Millar, Harry Jones, and I.

Who took the other?——The other was taken by a man that is at the door, he is ſon in law to Millar, one of the watchmen; I was not preſent when the young woman ſhewed them to Millar; they were taken ſome few minutes after.

——— MILLAR *ſworn.*

I am a watchman, my comrade Jones brought this young woman to me on Wedneſday night, and we went together to ſee if we could ſee them, but we did not that night; the next day between four and five my comrade told me that there were a great many people in the public houſe, ſo I went with the young woman over there, and ſhe ſhewed them to us, it was between four and

and five in the afternoon the next day, and ſhe ſhewed me the two priſoners, they were the outſide of the houſe.

Why did not you take them then?——I was by myſelf, and I had nothing in my hands; I am very ſure there was nobody with me but the young woman; if I had any aſſiſtance I would have taken them immediately.

How ſoon afterwards did you find your comrades to aſſiſt you?——My comrades was juſt on the other ſide of the chapel, a little diſtance off us, I went and told them, ſo they came the back way again; then Cox was there, and Bill was gone away, there were ſeveral people with the priſoners, but whether they were in their company I cannot ſay, there were above a dozen or better.

How near did you go to them?—Within three or four yards, the young woman and me.

So that ſhe could ſee them very well?—Yes.

Did ſhe ſay anything to you in their hearing?——I cannot tell that they heard it, ſhe told me them were the two lads that robbed her.

Court to Jones. How came you to tell me that you were preſent when the young woman pointed out to you theſe priſoners?—I did not tell you I was preſent, I told you ſhe picked them out.

You know the priſoner's conviction will be followed by a reward?—I am not beholden to the reward now nor any time, I can do very well without it.

But you know the fact?—I have very often heard of it.

Has there nothing of this ſort been named now among you?—It has often been particularly mentioned.

Court to Hoare. How came you not to tell me Millar went firſt of all to look for this man?—We went to the public houſe and waited there till Millar and the young woman went to pick them out.

Court. That is nothing like your former evidence.

NICHOLAS PARISH *ſworn.*

I was at the taking of William Staples, I took him at the top of Saymour-ſtreet, about half paſt ſeven in the evening, nobody was with me but my mother, I heard there was an information againſt him, that he was liable to be taken for a robbery committed in the fields; I did not know him, but my mother-in-law knew him, and ſhewed him to me.

Priſoner Staples. There is a young man that was with us at the time the robbery was done, his name is name is George Riches, and there is another young man that was with this young woman on Saturday, and ſhe ſaid ſhe could not punctually ſwear which it was that held the knife, or which it was that put his hand in her pocket.

The priſoner Staples called four witneſſes who all gave him a good character.

The Jury withdrew ſome time, and returned with a verdict,

BOTH GUILTY, *Death,*

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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680. THOMAS HARRIS, JOHN LAMBERT, *alias* WELDON, and ANN EDWARDS were indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of George Wyber, about the hour of one in the night, on the 29th day of June, and burglariouſly ſtealing therein two table cloths, value 5s. a towel, value 4d. ſix ſilver ſpoons, value 9s. one pair of ſilver tongs, value 10s. five pair of leather ſhoes, value 10s. three hundred and ſixty copper halfpence, value 15s. 240 copper farthings, value 5s. one linen handkerchief, value 1s. three tin canifters, value 9d. two pounds of tea, value 12d. his property.

GEORGE WYBER *ſworn.*

I keep a public houſe, on Wedneſday laſt I was alarmed by the watchman ſaying my

ſtreet door was open, I went down ſtairs, and found the thieves had made their way into the cellar window, and forced a ſtrong door on the cellar ſtairs, and from thence came to the bar; I was laſt up that night, the houſe was faſt, I went to bed a little after twelve, the cellar window was faſt, for I held up my man while he bolted it, and the cellar door I locked myſelf: they had worked the bolt back, but the lock of the door was broke, and ſome part of the door-poſt cut away: I miſſed half a dozen tea-ſpoons, and a pair of tea-tongs, they were in the bar; my ſhoes were loſt, and one bag of counterfeit halfpence, and one bag of real good ones, three canniſters with tea, two table-cloths, and a ſmall towel, five pair of ſhoes, four of mine and a new pair of a gentleman's who lived there, two bags of half-pence, the quantity I cannot aſcertain, and ſome farthings; the priſoner Thomas Harris was taken by the watchman, and locked up in the watch-houſe, there I ſaw him, he was ſearched in my preſence, in his pockets nothing was found but ſome matches and a candle; when we had ſearched him the watchman went into the little place where they lock them up, and there he ſaid there were a great many halfpence in the corner of the room, he ſaid ſo aloud; I went in, and there was about ſeven ſhillings, all counter feit halfpence, in the corner of the room, nothing more was found in the room; the priſoner would not tell us his name, nor where he lived, he ſaid he lodged ſometimes in the hay field, and where he pleaſed, it was nothing to us; we found another watchman who knew where he lodged.

Mr. Knowles, Counſel for the Priſoner Harris. You were alarmed about four?—Yes.

It was broad day light?—Yes.

You had no alarm before?—No.

Therefore ſuppoſing this matter had been committed at three, you cannot tell?——I do not ſay I could.

JOSEPH LEE *ſworn.*

I am a watchman, about three in the morning another watchman, one Ware, came to me, and aſked me to give him a pinch of ſnuff, I did ſo; while we were talking Harris came by with an empty baſket upon his ſhoulders, I followed him, and watched him; he went along Leather Lane, and another man came out of Baldwin's Gardens, and met him juſt at top of Croſs-ſtreet; they joined one another, with that I went down Charles-ſtreet to ſee which way they went, I ſaw him go through the poſts into Great Saffron-hill; there I loſt ſight of him; I am ſure Harris is one of the men; I firſt ſaw Harris about fifty yards from the proſecutor's; he went by us at that time on the other ſide of the way, I could not diſtinguiſh the other man to be there; I went paſt at two and three, and the door was faſt; I did not try it; at four I perceived the door was ſomewhat wider than it was uſually, but I did not perceive it when I went by before; then I alarmed Mr. Wyber; before I got out of Union-Court, about half after four, this Harris came after me, and he paſſed me, I knew him again to be the ſame man; he went up to the corner again, I told the houſe-man, and he bid me take him, I followed him to Holborn, and took him and brought him back to the watch-houſe, then I went to a conſtable.

Mr. Knowles. You know there is a reward in this caſe?——I knew nothing of a reward, I have heard ſo ſince.

Go a little further, and tell us you did not know it then?——I did not; he reſorted to the houſe where the things were afterwards found.

RICHARD WARE *ſworn.*

I was with the laſt witneſs on Wedneſday morning laſt about three o'clock, and I obſerved a man with a baſket on his ſhoulders, ſtanding againſt the poſt.

Do you know the man?——Yes, it is Harris, I knew him before. I knew where he has reſorted a good while, I never ſaw him but in the night time, I have frequently ſeen him in George-alley at two, three

three, and four in the morning, I did not know in particular what house he lodged at, it was a private house, I am sure he is the man that I saw; there was no other man then; I saw this other prisoner, and this boy together in George-alley, about half after two, and I saw them together after this time, they were standing in a little square in George-alley, and I saw them again afterwards, about an hour after, I saw a basket in the alley the last time, but nothing in it, he had the basket on his shoulders, I did not go to the watch-house at all, I am sure it was Harris that Lee and me saw with the basket.

Do you remember seeing any others?—No.

Mr. Knowles. In the course of a year I suppose there may be twenty thousand different people there, what do you mean by resorting there?—Going backwards and forwards.

What the prisoner is a pot companion of your's! Pray Sir, what share do you hope for of this reward?—I wished not to have come here at all.

What you wished to have the forty pounds for doing nothing?—Not at all.

THOMAS WADE *sworn.*

I am the house-man belonging to the watch-house, last Friday morning, about a quarter past four, Lee came to me, and told me he thought Mr. Wyber's door was not so fast as it should be, I brought the prisoner Harris to the watch-house, and he said his name was Jones, he said he lived in Portpool-lane, and the officer of the night got up and went for the prosecutor, and he and the officer of the night came, and a candle and matches were found upon him, and no other prisoner had been in the black hole that night.

Was you in the black hole when the prisoner was put there?—I was there that night, at nine o'clock.

Had there been any other prisoner locked up there in that whole night?——No, Sir, none, I am sure of that.

Did you see what was in the black hole?—There was nothing in it, I sweep it out every night.

Mr. Knowles. You have a general custom of sweeping out this place every night?——Yes, I have had no conversation with these watchmen; the halfpence was partly bad and partly good, the prisoner refused to give me any account of himself, but by Ware's instruction, I went to this house in George-alley.

JOHN DRAY *sworn.*

The prisoner was brought to the watch-house, after five I ordered him in, I was called out of my bed, I ordered the watchman to go and search the hole, there was found some halfpence, some good and some bad, most of them bad, the prosecutor said, he had lost a quantity of halfpence.

Court. Could these halfpence have laid there any time without being seen?——I think not; these other things were found in a lower apartment at this house, where the prisoners Lambert and Edwards were; I turned round a bed-stead, and there were some goods belonging to the prosecutor in a cupboard, I found a caddee of the prosecutor's with some tea in it, tied round with a string, I saw five shillings of halfpence lay in a window, I cannot say whose lodging it was; this dark lanthorn was found in the prosecutor's house by Lee, the watchman, I found this key myself; these are the halfpence I found in the watch-house, and these are them that were found in the room.

(The things produced with the mark cut out.)

Prosecutor. I believe them to be mine, here is three old table cloths, the best table cloth was my mother's, and it has a curious darn in it; as to the new linen I have the piece that was cut from it, so that I am sure of that, I am quite sure of this table cloth, and that it was in my bar the day before; I firmly believe the other things to be all mine, I lost such things, which I verily believe to be the same.

Court. Is not this a common lodging house?——Yes.

JONATHAN

JONATHAN BATT *sworn.*

About a quarter paſt two, I looked out of my box, and ſaw a man ſtanding at a door, he moved up a little after that, I ſaw no more of him till he was brought to the watch-houſe, he had white ſtockings and dark colour clothes on, afterwards on ſuſpicion he was brought to the watch-houſe.

Who was put into the black hole?—The priſoner Harris, I ſearched Harris, and in his pocket I found ſeveral broken matches, half a candle, and ſome halfpence under the bench that was in the black hole, then we went in ſearch for Ware, I was in the watch-houſe when he was put into the black hole.

JAMES DESWICK *ſworn.*

I was at the watch-houſe, in Hatton-garden, laſt Tueſday night, I am head-borough, we heard a great noiſe and diſturbance in the alley, we went up into the houſe, and ſaw the three priſoners there, one Macglew, I believe, was with the priſoner, it is a private houſe.

Did any of the priſoners lodge there?—I cannot ſay, I was with Gray the next morning when he found theſe things, to the beſt of my knowledge theſe are the things, they were in the houſe where the priſoners were, I think part of them was taken out of the bed-ſtead.

Proſecutor. This towel I believe to be mine, I cannot directly ſwear.

Court to Richard Ware. How long do you remember Harris reſorting to that houſe in George-alley?—Three or four months, M'Glew kept the houſe before, I had not ſeen him that morning, the woman priſoner ſaid, ſhe lodged there that night, it was a private houſe.

Mr. Knowles. Would not theſe ladies of the town have carried me to that houſe?—Certainly they would.

Mr. Knowles. My Lord, I ſubmit whether on this evidence, Harris ſhould be put on his defence, that which is againſt him expreſsly, is, that he was found in a ſituation where theſe halfpence were found, the indictment ſpecifies that theſe halfpence naming the number of them, are of a preciſe value, the ſame as the farthings, now this man's evidence ſays, that they were ſome of them counterfeits.

The indictment handed up to the Court.

Court. It is not neceſſary to prove the value that is loſt, if the whole was counterfeit halfpence, they ſhould be ſo ſettled to be ſure, but I do not conceive that the Court will ſay, if a part are counterfeit that ſhould vindicate the reſt; I do not now ſpeak of the effect of the evidence, but ſuppoſing it to be clearly proved under this indictment, that the priſoner had ſtolen ten good halfpence of the value of five pence, do not you conceive that would be ſufficient to maintain the indictment; but, ſuppoſing the priſoner had ſtolen nothing but bad halfpence, I think it would not have been ſufficient to maintain the indictment.

PRISONER HARRIS's DEFENCE.

I leave it to my counſel.

PRISONER LAMBERT's DEFENCE.

I had been out a drinking that night, and I was in the houſe when theſe people came in, and there were more people there.

PRISONER EDWARDS's DEFENCE.

I lodged in the houſe, and I do not know what I am taken up for.

Priſoner Lambert. I am an intire ſtranger, I have no witneſſes.

ALL THREE NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday, the 29th of JUNE, 1785, and the following Days;

Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXV.

[PRICE SIX PENCE]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

681. PETER HOULTON was indicted for feloniouſly ſtealing on the 22d of May laſt, a pair of ſilver ſhoe-buckles, value 3s. the property of Richard Ready.

RICHARD READY *ſworn.*

I loſt a pair of ſilver buckles on the 22d of May, and I found them on the Monday morning; they were ſent to me.

JOHN HESTER *ſworn.*

I received theſe buckles from this man, Thomas Ryan, on Sunday morning he left them with me for three ſhillings, and I gave them to the Juſtice, and he kept them in the office.

Proſecutor. I had the buckles from the Juſtice.

THOMAS RYAN *ſworn.*

I ſaw the priſoner ſtoop and pick ſomething up, I do not know what they were, he ſaid he had found a pair of buckles, and he ſaid if I could get a ſhilling or two on them till Monday, he would like to ſee them advertiſed.

Court to Jury. Gentlemen, here is no evidence againſt the priſoner.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

682. SAMUEL LAMBE was indicted for feloniouſly ſtealing on the 25th of June, one copper pot, value 5d. nine iron bars, value 9d. and one iron door, value 3d. the property of Thomas Hector.

THOMAS HECTOR *ſworn.*

I went into the back yard for ſome wood, and I ſaw a man going out with a pot on his back, and I followed him, and took him about twenty yards from the houſe, he ſaid, he brought it from a gentleman's houſe, and I brought him back, he had the pot and ſome bars.

(The things depoſed to.)

PRISONER's DEFENCE.

A gentleman hired me to carry it, and he ſtood at the door.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

683. ROBERT

683. ROBERT BARBER was indicted for feloniously ſtealing on the 26th of May laſt 20lb. weight of leaden pipe, value 6d. and four iron bars, value 4d. belonging to the Rev. Anthony Knapp, then and there affixed to a certain b lding of the ſaid Anthony.

Lancelot Evans was called on his recognizance, and not appearing the recognizance was ordered to be eſtreated, and the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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684. THOMAS EDWARDS was indicted for feloniouſly ſtealing on the 31ſt of March laſt, two linen ſheets, value 6d. a blanket, value 2d. a drinking glaſs, value 2d. the property of Ralph Unſworth, in a lodging room let to him, againſt the ſtatute.

RALPH UNSWORTH *ſworn.*

About half after ten the priſoner took a one pair of ſtairs lodging of mine, ready furniſhed, he came the night he took it, I never ſaw any more of him after the ſecond night for ten weeks, he gave me no notice of quitting, after he went away I miſſed the things in the indictment; I had ſeen them there, the things were never found again, I never ſaw them ſince.

Did he leave his lodgings locked or open?—Locked, and he took the key away with him; as I was at work I ſaw him about ten weeks after in the ſtreet, and I immediately went to him and ſeized him in the ſtreet.

What did he ſay for himſelf?——He ſaid he was not the perſon, but I am quite poſitive; I ſaw him both nights, he came and ſtood the ſide of me when I was at work ſome few minutes; I did not ſee him by day light before he was taken.

Mr. Knowles, Priſoner's Counſel. How have you deſcribed this perſon and his dreſs before the Magiſtrate?—I can tell you the particulars; the firſt night when he came into the houſe a fire was lighted for him, he went up in his room, the door I locked myſelf the laſt thing in the morning, when I got up to go to market, I found the door open, I ſaw no more of him till the next night, when I was at work he came in and aſked for a candle, and went to bed; the next night when he came, I did not ſay anything to him; I have other lodgers.

Do you recollect how he was dreſſed when you apprehended him?—No.

Was it the ſame dreſs in which he firſt came to you?——I think it was.

Have not you ſaid that he has appeared before the Magiſtrates in different dreſſes at different times?—No.

Have not you ſaid that he frequently wore boots?——No.

Several people I believe attended this gentleman?——Yes.

Did not you hear that he had been a man of great eſtate in America, which he had loſt by his attachment to his country?——Yes, I did.

Have you not ſaid before the Magiſtrate that he wore boots and half-boots?——I never did.

You never found any of your property?——No.

Did you ſearch his lodgings?——I did not know where.

Did not you take the trouble to enquire where he lodged?——I enquired into his character, and I found it a very good character, but I did not think it worth while to enquire after my property ten weeks after.

Court to Priſoner. Mr. Edwards, do you wiſh yourſelf to ſay anything.

PRISONER's DEFENCE.

Pleaſe your Lordſhip, I never knew the man before he took me, I never was out of my lodgings but one night ſince I took it, from the 10th of December, to the 15th of April, then the houſe was given up, and I moved with the people, I now live with them, I uſed to be with a gentleman that came paſſenger with me, one Major Ward; I am a gentleman that have a wife and family in America; I came here on my own matters; I was very angry with the gentleman

tleman that took me; I had a ſtick in my hand, but I did not uſe it.

JOSEPH CHANDLER, Eſq. *ſworn.*

I know the priſoner, and I can ſay this of him, he lived in Connecticut where I uſed to live, he was a man in that colony of as good reputation as any man, he was a goldſmith, and could not have purſued that buſineſs if he had not had a good character, for we truſt our property with them, they are a kind of bankers; he was a man of univerſal good character, I knew him in Nova Scotia, and lived at the next door; he has been in England about nine months I ſhould think, I have ſeen him every day; it is true, he has not received much money, all that he has received is from Lord Cornwallis; he is a man that would deſpiſe a low mean action, I have that opinion of him, his character is very fair, and very unexceptionable; it is true, he appears at times, and I believe the misfortunes he has met with, ſacrificing his eſtate, ſacrificing his family, ſacrificing his connections, have flung him into a dejected ſtate; but that would by no means induce him to commit a mean action.

You believe him to be a man of ſtrict integrity?—I do.

Captain JOHN WALKER *ſworn.*

I have known the priſoner ten years, I have known him ſince he came to London, he often came to my houſe where I lodge.

Has he preſerved a good character ſince he came to London?——As far as ever I heard, I never knew anything to the contrary, I knew him in America, his character was that of a man of integrity there, and taken notice of: he was in priſon ſeventeen months, and I alſo to my great misfortune, for his loyalty to his Royal Maſter.

Was you before the Magiſtrate?—Yes, Sir, I was one of his bondſmen.

Did you hear any expreſſions of the proſecutor's, that he appeared in different clothes?——I did not.

Captain PATRICK WALSH *ſworn.*

I know the priſoner, he always bore a good character ſince I have known him, that was in 1757; he was a gentleman that lived well, I have ſeen him every day ſince he came to London.

Do you believe him to be a man capable of a bad action?—I do not think he knows how to be capable of a bad action.

Mrs. HULL *ſworn.*

I know the priſoner, he lodged with me, from December the 10th to April the 15th.

What was his conduct when he was in your houſe?——He was as regular as any man could be, getting up and going to bed by eight or nine o'clock.

Have you any reaſon to know that he conſtantly ſlept in your houſe from the 10th of December to the 15th of April?——I know he ſlept conſtantly in my houſe except one night that he was out with Major Ward, who at that time was ill, and he attended him, it was in the very hard weather; I believe him to be a very honeſt worthy, judicious man, as ever was.

Court. Might he not have been abſent other nights without your knowledge?—He might without my knowledge, but not without the reſt of my lodgers knowledge; when I am out of the way I employ a perſon to make his bed for him, one Mrs. Packwood.

SOPHIA PACKWOOD *ſworn.*

I know the priſoner, he lodged in Stonecutters-alley, Lincoln's Inn Fields, at the houſe of the laſt witneſs, I lodge there, I aſſiſted her to make his bed, I never knew him to be out but one night, and that I have reaſon to believe was with Major Ward.

If he had been abſent any other night muſt you have known it?—Certainly, my Lord, my little boy uſed to ſleep with him almoſt every night.

What day was this?——I cannot ſay.

Major THOMAS WARD *ſworn.*

Mr. Knowles. I believe, Sir, you are an American?——Yes.

You are one of thoſe unfortunate gentlemen that are under the deſcription of loyaliſts?——Yes, I know the priſoner, ſometime

time towards the laſt of February laſt, he called at my lodgings and I was very ill, and I aſked him to ſtep of an errand for me, and he went and came back again, I aſked him to ſtay with me all night, I knew him in America, his general character was very good; I have known him in this country, I have ſeen him almoſt every day, he came in the ſame ſhip, he has preſerved the ſame character.

NOT GUILTY.

Court. Mr. Edwards, from your ſituation in life, though at preſent you are in unfortunate circumſtances, I think it right to declare, I am in my own mind ſatisfied that the proſecutor is miſtaken as to your perſon, and from the manner in which the Jury have given their verdict, I believe they are of the ſame opinion; and therefore there is no loſs of character to you, from your having appeared in ſo unpleaſant a ſituation.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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685. JOHN SIMPSON was indicted for that he, on the 7th of July, at the pariſh of St. Mary Matfellon, otherwiſe Whitechapel, did marry one Hannah Turner, widow, and had her for his wife, and afterwards on the 16th of December laſt, at the pariſh of St. George's with force and arms did marry one Mary Ann Harwood and to the ſaid Mary Ann Harwood was then and there married, the ſaid Hannah Turner his firſt wife being then alive.

MARY WILKIE *ſworn.*

I was one of the priſoner's brideſmaids to his firſt wife.

What was her name?—Hannah Turner, widow, I was at the marriage.

Who has got a copy of the regiſter of the firſt marriage?——Hannah Turner.

Who proves it to be a copy, who adviſed you in this proſecution?——I do not know.

Is there anybody here who can prove the copy of the regiſter?—Herſelf is here.

HONNOR CLOUGH *ſworn.*

Court. Do you know anything of the marriage of Hannah Turner?—I was at it.

Is there any copy of the regiſter in Court?—Yes.

Did you compare it with the regiſter?—Not as I know of, I was at the marriage, the 7th of July, 1783.

If there is nobody that can produce the copy of the regiſter we can go no further, Gentlemen, the copy of the regiſter is neceſſary evidence.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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686. JOHN EADES was indicted for that he being impriſoned in the houſe of correction at Clerkenwell, did on the 5th of June laſt, unlawfully and feloniouſly without any lawful cauſe eſcape out of the ſaid houſe of correction.

(The record read by Thomas Shelton, Eſq; Clerk of the arraigns, and examined by the Court.)

JOHN HARWOOD *ſworn.*

I know the priſoner, I am governor of the houſe of correction.

Was this priſoner ever delivered into your cuſtody?——Yes.

When?——I do not recollect, it is ſpecified in the indictment.

Cannot you recollect it?—No, he came by a certificate from the clerk of the arraigns, which is here in Court.

Have you ever tranſmitted the certificate to the clerk of the peace?——No.

Why have not you complied with the directions of the act of parliament in tranſmitting the certificate to the clerk of the peace?——I did not know *(The certificate read of John Eades, of the age of twenty four years, for twelve months)* I am ſure this is

one of the perſons delivered to me by that certificate.

What became of him afterwards?—— He made his eſcape on the 5th of June laſt, he went through the cieling of the top roof, and over the garden wall, I ſaw the place broke, he was in the gaol in the courſe of that day, and was miſſing when I called them over to ſee who had eſcaped, ſeveral others had eſcaped, I believe there were eleven or twelve.

Priſoner. I ſaw the reſt of the priſoners go out, and I went with them.

THOMAS MUMFORD *ſworn.*

He was under the care of my maſter on Sunday the 5th of June, ſome people got out, and he was miſſing; Young who took him is not here.

Court. It does not appear how the priſoner comes here into Court?

Harwood. He was retaken in about a week.

Court. He might have been ſecretted in the gaol at that time?—That he could not be, he was brought from the round-houſe keeper of St. Giles's; I was at home when he was brought in, I ſaw him as ſoon as he was brought in the priſon.

PRISONER's DEFENCE.

I was eating my dinner, and I ſaw all the priſoners going out, and I followed them, I never broke the goal, ſeveral went out before I did.

GUILTY.

Court. He wanted one month and two days of his time being out, the ſentence muſt be three years, one month, and two days.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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687. ROBERT FRANKLIN was indicted for feloniouſly eſcaping, from Clerkenwell Bridewell.

(The certificate read.)

——— HARWOOD *ſworn.*

My man took him.

THOMAS MUMFORD *ſworn.*

I took him about two hours after he was out in Ruport-ſtreet, at the White Horſe; I brought him back to gaol in a coach.

GUILTY.

To be impriſoned four years, and two hundred and ſixty-three days.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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688. GEORGE REYNOLD (a little boy) was indicted for feloniouſly aſſaulting Thomas Smith, on the King's highway, on the 14th day of June, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, a ſilver watch, value 40s. a ſteel chain, value 2s. a key, value 1d. one white ſtone ſeal ſet in baſe metal, value 6d. the property of the ſaid Thomas.

THOMAS SMITH *ſworn.*

The priſoner ſtole my watch on the 14th of June, between eight and nine in the evening, the corner of Leadenhall-ſtreet; I had a little table on my head, and I was going towards the Change with it, I have a very bad diſorder on me, the gravel and ſtone, I could hardly walk, and there were many people and I walked paſt them, and this boy whipped my watch out of my pocket, and I threw the table from me, and I ſtrove to run and I fell down, I ballooed out ſtop him! I have loſt my watch; when I got up again, I ſaw a gathering of people together, and he was ſtopped, and when I got up to him, he ſaid, he had got the watch, and that he took no watch from me; I found no watch, I am ſure that is the boy that took it according to my beſt ſight; he was out of my ſight when I fell down.

Court. Who adviſed you to indict the little boy for a highway robbery?—— Every body.

Who was it in particular?——I have a ſon adviſed me, and other people, no particular perſon adviſed me to proſecute him capitally.

WILLIAM GOFF *ſworn.*

I am a conſtable of the city, patrol of the Eaſtern diviſion, I was going up Biſhopſgate-ſtreet, about nine, on the 14th of June, and I heard a perſon cry out ſtop him! I ſaw three boys come running along, the priſoner was in the middle of the three he parted with them and run into the path, I held him, and the proſecutor came up, and fell down, and he got up again, and I ſtopped the boy; ſays he, that boy has picked my watch out of my pocket, ſays I, how do you know he has, ſays he, I ſaw him, I had a table on my head, and he run under the table, and I purſued him, he ſaid, he was ſure he was the boy; I ſearched the boy and found nothing upon him, the other two boys run away directly, and I took him to the Compter.

Have you put the man in the way of carrying on the proſecution?——No, I never ſaid a word to the man.

PRISONER's DEFENCE.

I have nothing to ſay, only I came from St. Martin's workhouſe, and coming up to Cornhill, I heard the cry of ſtop thief! and I ſaw a parcel of people running, and I run, and a man in a white coat caught me, and held me till that old man came up, and ſaid I took his watch from him, I had my friends here every day, I do not know whether they are here now.

NOT GUILTY.

Court to Priſoner. You have had a very fortunate eſcape on this occaſion, I hope it will not be an encouragement to you, for this is not the firſt time that you have been here notwithſtanding your tender years, and the next crime you commit, may bring you to be hanged; and therefore you muſt take warning that your youth will be no ground whatever for you to obtain mercy.

Tried by the London Jury before Mr. RECORDER.

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689. ELIZABETH WHITE was indicted for feloniouſly ſtealing, on the 16th of June, twenty-five yards and half of printed linen, value 40s. the property of Adlard Thorp and Curtis Graves, privily in their ſhop.

CURTIS GRAVES *ſworn.*

My partner's name is Adlard Thorp, I loſt ſome printed linen the 16th of June, between ſix and ſeven in the evening, the priſoner and another woman came in with intent to buy a remnant of cotton for a child's frock, I ſerved the other woman to the amount of five ſhillings, they went out together, and as they were going out of the door, I ſuſpected there was ſomething under the priſoner's cloak; I told my young man I was not ſatisfied, and we both went from behind the counter to the door, and the moment we got to her, my young man ſaw her drop the linen, I did not; I ſaw the linen on the floor in the ſhop, they were only juſt at the door, ſhe made ſome frivolous excuſe, and ſaid, ſhe knew nothing at all of it.

Did you perceive her take anything at all in the ſhop?——No, it was laying juſt by the door.

Mr. Knowles, Priſoner's Council. Your counter is near the door?—Yes.

You have linen placed in other parts of your ſhop?——Yes.

You had a horſe of linen?——Yes.

That extends near the door?—Yes, it is at the door.

Might not any perſon in paſſing briſkly towards the door have diſlodged this linen from the horſe?——No, Sir, we never put any of that kind on the horſe; it never was on the horſe.

Are

Are you ſure there was no cotton of that pattern on the horſe?—Yes.

How long was it ſince you inſpected the horſe?—I cannot tell.

Who prepared the horſe for ſhew?—My man.

Do you take upon yourſelf to ſwear, and do you expect to be believed, that when another man furniſhed that horſe with goods, that this cotton was not on the horſe?——I will take upon myſelf to ſwear that that printed cotton was not there.

How many pieces might this horſe contain?——Twenty.

Will you take upon yourſelf to ſwear that you took a particular note of every one of theſe twenty pieces that were on the horſe?——I cannot ſwear that, but I can ſwear that that linen was not on the horſe.

Do you know where that linen lay?—I do not.

Then will you ſay it was not on the horſe?——I am ſenſible it was not on the horſe, but I do not know where it was.

How many cuſtomers had you in your ſhop that day?——I cannot ſay.

It is a ſhop pretty much frequented?—Yes.

How many were in it at that time?—Six or eight.

Then of courſe theſe people had been up and down the ſhop?——I admit that.

Did you ſearch this woman?—No, Sir.

What, my friend, ſuſpect a woman of robbing you and not ſearch her, then of courſe I think you took her for an honeſt woman; what became of the other woman?——She went, I let her go.

How did the other woman behave when you ſtopped the priſoner?——She ſtopped about five months, but ſhe went off when I ſent for a conſtable.

JOHN HOWTON *ſworn.*

On the 16th of June laſt, between ſix and ſeven, I was ſent for to take charge of the priſoner, and he charged her in my preſence with ſtealing a piece of printed linen, ſhe made no anſwer at all.

JOHN YOUNG *ſworn.*

I ſaw the piece of linen fall from the priſoner at the bar, ſhe was by the door, I was behind the counter when it fell from her, but I was cloſe to her, I was going to take hold of her, as I ſuſpected ſhe had ſomething, the horſes were faſtened to the door, there are one on each ſide, ſhe was between the two horſes, a perſon may go without touching either of them.

Mr. Knowles. That is as much as they can do I fancy?——Yes.

What part of her did it fall from?——From her clothes, I ſaw it ſlide down, I ſaw it before it came entirely to the ground, I ſaw it falling, it fell between her and one of the horſes; I was ſo cloſe to her I could not be deceived, I am quite ſure of it, it was under her cloak I imagine; ſhe had a long cloak on.

Did you furniſh the horſes?——Yes.

Was there any goods of that kind on the horſes?——We never put any ſuch common goods on the horſes, this was a linen, we never put any on the horſes but calicoes.

Did you perceive her taking it?—I did not; it was delivered to the conſtable in my preſence, it was the ſame I picked up.

Conſtable. I had it from the counter, Mr. Graves delivered it to me.

Proſecutor. That was the ſame that was picked up off the floor.

(The piece depoſed to by the ſhop-mark, by Young and Graves.)

Mr. Knowles. A man might go without touching any of them, might not he?—Yes, juſt ſteer clear.

Was the other perſon before her or behind her, that went out of the ſhop with her?——I cannot poſitively ſay.

Jury. Did you find it between the horſe and the door ſill, or between the horſe and the counter?—Between the door ſill and her, it was in the middle of the door-way, without-ſide the horſe.

When you hang theſe pieces on the horſe you hang the ends to ſhew, you put the heavieſt

heavieſt inſide the horſe?——I am ſure I found this without ſide the horſe.

Were you ſo near her as to ſwear that you could ſee diſtinctly whether this piece fell from her or not?—That was the woman that I ſaw the piece of linen fall from, I was ſo cloſe that I could not be deceived, the other woman was not between me and her, I was cloſe to this woman, but the other muſt be be before of courſe.

Mr. Knowles. That is reaſoning, but you did not ſee that; the priſoner permitted herſelf to be ſearched very quietly?——I do not know that ſhe was ſearched at all.

Do you know every piece that you put on that horſe?—I do not.

Do you know every piece that you put on theſe two horſes?—I do not know exactly, but I know partly.

Priſoner. I leave it to my councel.

The priſoner called three witneſſes who all gave her a very good character, and ſaid ſhe worked hard for her living at her needle.

Jury. Did you ſhew the priſoner this linen?—No.

GUILTY 1

Of ſtealing to the value of 4s. 10d.

To be privately whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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690. BENJAMIN JONES was indicted for feloniouſly ſtealing on the 11th of June, one pair of mahogany carved poſts for a bedſtead, value 17s. the property of William Gough.

THOMAS COSFIELD *ſworn.*

The priſoner worked for Mr. Gough about two years ago, I have the management of the buſineſs.

JOHN WITHERS *ſworn.*

About half after eleven I ſaw the priſoner take the poſts from the door, and put them on his ſhoulder, and walk away with them, I live almoſt oppoſite to the proſecutor's, I went over and informed the people of the ſhop, and Mr. Cosfield went after him, and overtook him ſome little diſtance from the houſe, I then went home to my own houſe, and ſaw no more of it, I did not ſee them taken from him; I am ſure I ſaw him walk off with it.

ANN COSFIELD *ſworn.*

I followed the priſoner from our door to Camomile-ſtreet before I overtook him, and they were on his ſhoulders, when I ſtopped him, I aſked him where he was going with them, he immediately gave them to me, he did not offer to run, he was ſtopped directly, he never was out of my ſight, he made theſe excuſes in the warehouſe before the men, that he meant to pay for them.

JOSEPH GATES *ſworn.*

I took the man and the poſts, they are the ſame poſts. *(the poſts depoſed to.)* Here is my mark before they went to the turner.

PRISONER's DEFENCE.

On Saturday morning I got up about five o'clock, and I went into Whitechapel; in Biſhopſgate-ſtreet I met a young man an acquaintance, at the top of Houndſditch there ſtood a carpenter whom I knew by ſight but not his name, he aſked me where I was going, I ſaid to work, he ſaid go and ſend me a hand, I have a bedſtead to make, and have juſt bought the pillars, they ſtand at the corner, go and fetch them ſays he, they are at the door there ſays he, come make haſte; ſo I took them on my ſhoulders and brought them up to the ſtreet, I thought he was behind me; and Mr. Cosfield came and aſked me if I was going with them.

Who was this man?——A carpenter I have been in company with different times, I do not know his name, nor where he lives;

lives; the man ſent me for the poſts, but whether he is here or not I cannot ſay.

The priſoner called one witneſs to his character.

GUILTY.

To be whipped and confined to hard labour ſix months in the Houſe of Correction.

Tried by the London Jury before Mr. RECORDER.

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691. JOHN GODFREY was indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of James Gent, about the hour of one in the night, on the 16th of May laſt, and burglariouſly ſtealing therein one ſheet, value 5s. four ſhirts, value 15s. twelve callico ſhirts, value 3l. two pair of cotton ſtockings, value 3s. two ſilver ſpoons, value 20s. three teaſpoons, value 10s. one leather ſurgeon's inſtrument caſe, value 2s. two pair of ſteel ſciſſars, value 2s. two ſilver forceps, value 2s. two ſilver probes, value 2s. one common ſteel lancet, value 6d. one ſteel abceſs lancet, value 6d. one director, value 6d. one razor, value 12d. one tin ſalvatory, value 6d. a pair of baſe metal ſhoe-buckles, value 2s. an Indian riding cane mounted with ſilver, value 10s. a pair of men's ſhoes, value 3s. a canvas bag, value 1d. and forty-eight halfpence, value 2s. the property of the ſaid James Gent.

The Caſe opened by Mr. Garrow.

JAMES GENT *ſworn.*

The priſoner lived with me from the 26th of July, 1784, till January, 1785, as a porter and ſhopman; I always take my keys to bed, I generally remain in the ſhop till the man has locked the ſhop door, one man lays in the ſhop; on the 16th of May I ſaw the houſe faſtened, and I took up the keys with me, I went to bed a little after eleven; about five in the morning the maid came and knocked at my door, the waſherwoman ſlept in the houſe with her, they were going to waſh the next morning, and the linen was all ſpread in the houſe, ready ſorted; when I came down I found every apartment below faſtened, I went immediately up ſtairs, and found the parlour door open, which opens into the paſſage of a private door which I had, I pulled it too the night before, it was on the ſpring lock, there was a handle on both ſides the door; the cloſet door was forced open by cutting the wood, and forcing back the bolt, I am perfectly ſure I ſhut it the night before I ſaw the cloſet door open; I went to the ſhop and ſaw a board down, where the perſon had entered, there is a long place under the ſhop window where we put the ſhutters into of a day, and of a night that is a hollow, and there is a board which communicates from that place where we depoſit the ſhutters, it has two turn buckles, but it had a lock withinſide which was locked, and it was wrenched off, the wooden work where the lock goes into was forced out of it, and the door lay down on the place, which I ſaw when I went out immediately; by this means a man might have acceſs to the ſhop, and to the parlour of courſe, I then went to the counter, the handle of the till was torn off, and lay atop of the counter, the counter was cut, but the till was not open, this cupboard was likewiſe cut above the wood work, where I kept my tea and ſugar and ſome liquors, and a ſet of inſtruments, this door was wide open; it had been forced open, there was the mark of the knife where the wood-work was taken away; there were three tea ſpoons taken away, a canvas bag with two ſhillings worth of halfpence, a pocket ſet of inſtruments, and a tin ſalvatory, ſome bad ſhillings, and a ſix-pence, and a bottle that had ſome rum in it was found down by the cupboard; they took likewiſe a pair of buckles from the chimney ſhelf, and a cane which I brought from India myſelf, and two table ſpoons out of the kitchen drawer, and ſixteen ſhirts, two pair of cotton ſtockings, one odd ſilk ſtocking, and a coarſe ſheet off the man's bed

bed, marked No. 3; there was one tambour waiſtcoat was dropped in a pan of water, and a pair of ſhoes from a very obſcure place in the ſhop, very near where the man lay, the beſt of a dozen pair; I believe it was on the 31ſt of May that ſome of the things were pawned, and on the 2d of June I received information.

Court. You ſay the priſoner lived with you?——Yes, he left me on the 26th of January.

Mr. Silveſter, Priſoner's Councel. Who did the priſoner live with at that time?—He lived with Mr. De Brah, at Temple-bar, at the time the robbery was committed.

You have a ſervant to lay in this ſhop?—He lays in a little room in this ſhop.

One would have thought it made a conſiderable noiſe?——I was ſurpriſed that the man did not hear it.

JOHN MEREDITH *ſworn.*

I live with Mr. Lane, the pawn broker, in Holborn, I produce a caſe of inſtruments which I received of the priſoner at the bar, on the 31ſt of May, between eleven and twelve he brought them to our ſhop to pledge, I lent him 7s. on them, he pledged them in the name of Mr. Grant, I ſuppoſed him to be a ſurgeon, as he appeared to be genteel, I took them in and aſked him no queſtions; I am ſure I received them from the priſoner; we had information from Bow-ſtreet of the other things, and the caſe of ſurgeon's inſtruments on the 2d of June, and I took them to Bow-ſtreet, and they ſent me to Mr. Gent, the priſoner was taken in his maſter's ſhop; he did not come again to our ſhop.

Mr. Silveſter. You never ſaw him before?—No, but he was in the ſhop ten minutes or more, I had no reaſon for taking particular notice of his perſon, I firſt offered him 5s. then he ſaid that would not do, then I offered him 6s. then 7s. we have a great number of people comes to our ſhop, it was a fortnight after when he was taken up, I knew him by his being pitted with the ſmall pox, and by his voice, I have no doubt at all about him.

Mr. Silveſter. How many people came to your ſhop that day?——It is impoſſible for me to tell.

Will you ſwear to every perſon that came to your ſhop that day?—I will not.

JAMES SHORE *ſworn.*

I am a pawnbroker, I live at Mr. Lane's, I was preſent when the inſtruments were pledged, they were pledged by the priſoner, I had a converſation with him, it was between eleven and twelve; he aſked half a guinea on them, the lad took them of him, I was rather higher up over the counter, the boy brought them up to me, I began to look at them, and he aſked what inſtruments they were, the priſoner ſaid they were ſurgeons inſtruments, he ſaid he wanted half a guinea on them, I went down to him, I ſaid, Sir, we will lend you 5s. upon them, he ſaid that would not do; it is the priſoner at the bar, I know him by his features, I am ſure it was him, I was in converſation with him for the ſpace of eight minutes.

Mr. Silveſter. You never ſaw him before?—No.

What light had you?—There was ſufficient light, it was lighter then than it is here.

It was in one of theſe little private boxes?——Yes, but the priſoner leaned over the counter, took off his hat, and rubbed his head; we take particular notice of people, but I had no ſuſpicion of him, he looked like a gentleman.

Mr. Garrow. I am afraid if any other gentleman was to come to your ſhop, you would know him again?—Yes, if he was ſo long, and was to argue as he did.

Proſecutor. I had theſe inſtruments made for myſelf by Bodker, his name is on every one of them, but one, which one had been loſt and replaced by another maker, which is the abceſs lancet.

What name is on that?—I do not know, I think there is a crown upon it, but I am not certain.

Mr.

Mr. Silveſter. Bodker is a great maker?——He was, but he has failed long ſince, and is now a porter in the India-houſe; I have had them three or four voyages to India, and upon the whole, I have no doubt but they are mine, I ſaw them the night before the robbery.

JACOB FREEMAN *ſworn.*

I apprehended the priſoner at Mr. Le Brah's, in Fleet-ſtreet, when I apprehended him, he behaved very genteely, he ſaid they were Mr. Gent's inſtruments when he ſaw them before the magiſtrate, he ſaid he had had them in uſe, and that they were his maſter's inſtruments.

Mr. Silveſter. What was he aſked before he ſaid this?—He ſaid they certainly were Mr. Gent's inſtruments, but he never knew of the taking them.

Court. When he ſaid theſe were Mr. Gent's inſtruments, did he accompany that with any account how he came by them?——No, when he was put to the bar to be examined before the magiſtrate, he heard what Mr. Gent had to ſay, and Mr. Gent ſaid, with ſubmiſſion to your worſhip, I ſhall only aſk whether they are my inſtruments, he ſaid they were; he ſaid he did not pawn them, nor know how they were loſt, and he ſaid he did not know Mr. Lane's, much leſs of the pawning them.

Priſoner. I would only obſerve, Sir, that the boy ſwore at my ſecond hearing, that Mr. Lane could as poſitively ſwear to me as he did, and when Mr. Lane was there, he could not.

Meredith. I never ſaid any ſuch thing, Mr. Lane was preſent at the time I lent the money on them, but not when the priſoner firſt came into the ſhop, but he did not know the priſoner, he did not take any notice.

PRISONER's DEFENCE.

I never ſlept out of Mr. De Brah's houſe but twice, the firſt was the 3d of May, then I could not get in, the laſt was the 29th of May, and this robbery was committed on the 16th of May laſt.

JANE DAVIS *ſworn.*

I am ſervant to Mr. De Brah, he is a chemiſt in Fleet-ſtreet, the priſoner was ſhopman to Mr. De Brah.

On the night of the 16th of May did he lay at his maſter's houſe or not?——I do not know, he was there before me, I went there on the 25th of April.

Did he lay out of the houſe during that time?——Twice, one day was the day the air balloon went off, and the other was of a Sunday.

Mr. Garrow. What air balloon was it?——I do not know.

Was it the air balloon that your maſter was to have gone in?——Yes.

I take it for granted that you and he did not ſleep near one another?——No, nor not far off.

How near?——I ſlept a ſtory higher.

Might a man go out at two o'clock, and then come home when the ſhop was open?——He has come home at twelve.

Any later?——I cannot remember, there is no keyhole on the outſide the ſtreet door.

WILLIAM POOLE *ſworn.*

I am porter to Mr. De Brah, ſometimes I opened the ſhop, and ſometimes the priſoner; I cannot remember when the priſoner came to my maſter, I cannot tell whether he lay at home on the night of the 16th of May, he only lay out two nights to my certain knowledge, the firſt night was when Count Zambeccari was to go up, and did not go up, every other night, as far as I found, he lay at home, was always let in by the priſoner, excepting theſe two times.

——— DE BRAH *ſworn.*

You are a chemiſt in Fleet-ſtreet?—Yes.

What day was it that Count Zambeccari's balloon was to have gone up?——I do not really recollect the day, it was on Monday, but I do not recollect the day of the month.

Jury. Was not it Monday the 16th of May?——It might or it might not be, I do not know.

Mr. Garrow. That is ſingular, when you was to have gone up in the balloon——It is not at all ſingular, becauſe I was aſked to go up the ſame morning.

Can you swear that that day was not on Whit-Monday?——I should conceive it might be on that day, most likely on that day.

Prisoner. It was on the 3d of May.

Court. Whatever day of the month it was, that was one of the nights that this lad lay out, and I wish this circumstance could be ascertained, and it may very easily; the Foreman of the Jury has a recollection that it was on that Monday, one question will ease all my private doubts about it, was it on a Monday, whatever Monday it was?——I must own I cannot positively say, whether it was on a Monday or a Tuesday.

The Foreman of the Jury. My wife laid in a dangerous state on that day, and she died on the day following.

The Porter. It was Tuesday the 3d of May, that it was to have gone with Count Zambeccari.

Court. Had Count Zambeccari made any attempt which failed before that?—No. Did Mr. Lockwood make a successful attempt afterwards?——He did.

Was there any attempt between that in which he was concerned, and the other?—None that I know of.

[The newspapers sent for.]

Mr. Garrow, reads. On the 2d of May there was an advertisement that it was to ascend:——

Mr. Garrow to De Brah. You have said, that on the two nights you have named the prisoner was absent from your house?—Yes.

Where did he sleep?—Up in the second floor, under the maid's room.

In what way was the shop door fastened?—Most commonly I go to bed last, and I generally turn the key, and leave it in the door, the reason is in case of fire.

So that if any body was so disposed, they might go out of your house without your knowledge?—They might so certainly.

Mr. Silvester. Where did you lay?—In a room opposite to his.

Then if he had gone out, you must have heard him?—I might or I might not.

——— REIN *sworn.*

I am an apothecary, I have known him four years and a half, he always bore the best of characters.

——— M'KENZIE *sworn.*

I am an engraver in St. Ann's-court, Soho; I have known him about five years, I never heard a bad word given of him, I was quite amazed to hear of his being in Clerkenwell Bridewell.

——— WAINWRIGHT *sworn.*

I am a victualler in St. Ann's-court, I have known him six or seven years, he is as honest a young man as ever was, and never in a prison or watch-house before this.

——— DAVIS *sworn.*

I have known him eight or nine years, never heard anything against him before this in my life.

Mrs. SALTER *sworn.*

I have known him seven years, a very honest young man.

Court to Prosecution. I think you said, one man always sleeps in the little room behind the parlour, adjoining to the shop?—Yes.

Who was that man?——He is not here, he is my servant now.

Where was he that night?—In his bed.

Did he hear no disturbance?——No.

From the situation in which you found the door at his room, was it possible it could happen without his hearing it?——I think it was.

Have you ever had any suspicion of him?——No.

Have you ever examined him upon the subject?——Yes.

Have you ever searched for the things that were lost in his places?——No, the maid makes his bed constantly, he has no place, he has no box.

Why did not you bring that man?——I cannot spare him, I believe firmly he heard no thing of it.

Court. What sort of man is that man

in person?——A short man, not so tall as the prisoner is, he is rather lustier.

Very much unlike him?——No resemblance of him.

Court to Meredith. Have you ever seen Mr. Gent's other shopman?——I did see him when I took the instruments to his house.

What sort of a man is he?——He is a young man, I cannot say what sort of a man he is.

Is he the size of the prisoner?——I think he is.

Now recollect the person of that man, and say whether there is any resemblance between him and the person that brought the things to you?——I do not think there is in the features, but he is about the size; I looked at the prisoner, and I swear positively he is the person that delivered the instruments to me.

Court to Prosecutor. At what time was you alarmed?——At five in the morning.

NOT GUILTY.

Prisoner. My Lord, and Gentlemen of the Jury, upon my honour there never was a young man went from the bar more innocent than myself.

Tried by the first Middlesex Jury before ——*Mr.* RECORDER.

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692. JOHN CLARKE was indicted for feloniously stealing, on the 31st of May last, one leather cart back-band and crupper, value 9s. the property of William Fisher.

WILLIAM FISHER *sworn.*

I live at Southall, in the precinct of Norwood, on the first of June, I missed a leather back-band and crupper, we looked about and could not find it, the first time I saw it afterwards at Mr. Woodstock's, at Norwood Green, between three and four on the 2d of June; I can swear it to be mine by the marks.

Mr. Silvester, Prisoner's Counsel. What day of the week was the 1st of June?——On a Wednesday, then, I missed it, it was seen on Monday in the stable; there is a round ring on the back that is sewed with wax thread, just by where the chain goes through, I had it at Christmas, it has been worn twice or three times.

Who made it?——Mr. Clarke the prisoner.

What is there particular in the round ring?——A mark that I can swear to; the prisoner is a master harness maker at Southall, I am a public house keeper, I keep the George, I have another harness but it is in town.

CHRISTOPHER CROXSTON *sworn.*

I am a collar maker, I live at Acton, on the second of June the prosecutor sent his servant to my house for me to go with him to Norwood on some particular business, and he would serve me as much another time; I went with him to Mr. Woodstock's house, the farmer's, it was about nine or between nine and ten, Mr. Fisher asked me if I understood whether a harness had been worn or no, because he had seen one there, and he was pretty sure it was his, he was *partly sure* that was the word, and whilst we were disputing upon it, the servant came, and Mr. Fisher sent for me to consult me on this harness; I never saw this harness before to take notice of it, have seen it go past my door, this is the same harness, and it has been in my possession ever since.

What is the use of a ring if applied to this harness, is not it a common thing to put these rings to harnesses?——I never saw it in my life.

Do you mean to swear that this ring is a singular thing?——Yes, I never saw it in the trade before.

Is it so singular in the trade that a man may very safely swear to it?——It is quite uncommon in the trade.

Mr. Silvester. You said, you had seen this harness?——I saw them go by my house.

How many harnesses have you seen

by your house to Acton?—Only there at one time of Mr. Fisher's, some are made with rings, and some are not.

If I desired you to take off the rings, would not you take them off for me?—Yes.

Would not you cover it then?——I should not put it into your hands for a new harness.

RICHARD JONES *sworn.*

I was hostler to the prosecutor, my master lost on the 2d of June, on a Tuesday, a leather cart back-band and crupper. I missed it about nine in the morning; on Monday night the prisoner said to me, will you go to London tomorrow, the prisoner lives the second door from our gates, he keeps a shop there, he asked me if I went to London with the team the next day, Tuesday, I said yes, and he desired me to call him up between three and four in the morning, I called him up about half after three, and I went to London with the cart and two horses, we had only two horses, I had no occasion for this crupper; I set off about four, when I came back which was between two and three that afternoon I first missed this, I thought my master had lent it, till Wednesday morning doing the horses, I found the chains and leather were gone off, I went and told my master, he said, I must know something about it, says I, I will be upon oath it will be found out, I saw it afterwards at Mr. Woodstock's in the stable, and I saw the prisoner and the farmer that evening, I was there when he came out of the house I saw him there between eight or nine at night.

Did he say anything in your hearing?—Nothing that night, I saw nothing there that night, the next morning we got up, and I went over to the farmer's with my master, and there I saw the leather cart back-band, the maid servant shewed it me, I knew it by having sweat upon it, that came from off the horse in several places, there was no other mark upon it by which I could know it; I went into the prisoner's shop on the Tuesday, when he was making a bit of a halter about eleven, and I asked him who it was for, and he said for Mr. Woodstock, that he was going to send over a horse harness there, and there was no other harness in the shop (*The harness deposed to, and the crupper.*) I swear to the crupper by the hole where the hinge of the crupper went through it.

JAMES WOODSTOCK *sworn.*

I live about a mile from the prosecutor's, I bespoke of the prisoner a harness for one horse, he brought me a complete harness on Wednesday the first of June, I was to have a new harness, and I paid for it as such; it was brought home in the day light publickly, it laid open then on the dresser not in any brown paper, I had no doubt but it was a new harness, it laid in the kitchen which is an open room where we live.

Did you see anything like the sweating of a horse on any part of them?—I did not at that time, I did not examine it minutely because I had no such thought.

Was it pointed out to you the next day or did you perceive it yourself that there was any sweating of a horse upon it?——It was pointed out to me.

By who?—By Mr. Fisher, I was gone to town when Mr. Croxford came.

Is the harness now produced, the harness that was taken from your house?——I believe it is, it is like it, I would not go to swear to the harness, because other harnesses may be like it, I was not at home when it was taken away.

Mr. Fisher. I went for a warrant, and he said you must bring the harness with you, so we took the prisoner up, and I went round and fetched the harness from Mr. Woodstock's wife.

Court to Woodstock. Had you any other new harness but this?——No.

Fisher. I put it into a sack, and carried it to Mr. Lamb's, then Lamb gave it to Croxford, I saw it given to him.

Croxford. I kept it in my possession ever since, till I brought it into Court now.

Jury to Woodstock. Did you think it was sweated?

sweated?—I cannot think about it, it did look as if it had been put on a horse, but I will not swear it had, and Mr. Fisher pointed out a hole in the crupper, as if it had been made to fit his buckle.

Court to Crosford. What is the fair charge for these several articles?—Six shillings for that back-band, and with crupper and straps about nine shillings, the belly band two shillings and sixpence; the prisoner is a collar maker, and I have often dealt with him, I know no harm of him.

Crosford. I never saw a crupper so made before, but it is possible that a collar maker for his convenience or his customers, might make such alterations as is made in that harness, the leather is put on with single thread, and the other is put on with double thread.

DANIEL SEYMOUR *sworn.*

I am a wheeler at Southall, I live just close to him, I was at the prisoner's house on the Monday before he was taken up, I was there on the Friday night.

What was he at work upon then?—On a crupper and hip straps for Mr. Woodstock.

Prisoner. The man heard Mr. Woodstock speak for them.

Seymour. I was present when he ordered them (*looks at it*) it is the same that hung up there, I know the crupper but nothing else; I am sure of it by this place, this hole, I told him, says I, Mr. Clarke, this is one that you cut out for your father.

Prisoner. My father lives in Essex, he spoke to me for a set of harnesses, and he did not like the crupper.

Do you keep house at Southall?—Yes, I was to make a pair of wooden hames for Mr. Woodstock, and I went in to see how forward he was, as I had not made them.

The prisoner called five witnesses who all gave him a good character.

Fisher. I was up that morning at five, and I saw him at my gate.

Jury to Prosecutor. Who made this collar of yours?—The prisoner.

Jury to the Currier. How long do you think it is since that leather was curried?—I do not think it had been curried a vast while, and might perhaps about three months, but I do not think it had been worn.

Court to Currier. Can you say with any certainty, or can you not?—I can.

Jury to Fisher. When did you buy this harness?—About Christmas.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. ROSE.

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693. WILLIAM GLOSTER was indicted for feloniously stealing, on the 18th of June, three coach glasses, value 30s. the property of John Whitworth, and one great coat, value 5s. the property of John Chalkley.

JOHN WITWORTH *sworn.*

I am a coach-master, I only swear to the glasses.

JOHN CHALKLEY *sworn.*

I only prove my property.

SARAH HALES *sworn.*

I am a working woman, I get up very early in the morning, and I saw the prisoner come down Back-house-lane, Hackney, about a quarter after four last Saturday was a week, and I saw him look through the key-hole of Mr. Newman's stable door, my cousin's called me off, and in about ten minutes I saw him come from off Mr. Whitworth's coach house door, he had a great coat and a bag, I cannot say what was in the bag, but I saw the coat; he walked off up the lane, I did not know him before, nor ever saw him, I know him by his apparel, I did not see his face, for his back was towards me, I can swear to his clothes.

SAMUEL EVERTON *sworn.*

I was standing at the watch-house door in Hackney church-yard, in the morning,

a little

a little before five, I made after him, and took him, and he had theſe glaſſes and a coat, all that he ſaid was, that he begged I would not hurt him, one Mr. Gough came up and ſaid it was Mr. Chalkley's great coat, and Chalkley came and owned it, and we have had them in our poſſeſſion ever ſince.

A WITNESS *ſworn.*

I was with the laſt witneſs, I ſaw the priſoner paſs, ſo we ſtopped him and brought him back with the things upon him, he cried out do not hurt me, he had a bag and a great coat, and there were three coach glaſſes. *(The things depoſed to.)* The coach ſtrings were cut off and left in the coach-houſe, and they match directly.

PRISONER's DEFENCE.

I went down this lane and there was no thoroughfare, coming back I found that was no turning, I was taken ſhort, and I went by the ſide of a dunghill, and there was this bag and theſe glaſſes, and the great coat was alongſide of it; I ſhook the great coat and brought it out, and looked at it for five or ſix minutes.

The priſoner called one witneſs who gave him a very good character, and ſaid he had three children.

Court to Whitworth. Was your coach-houſe door locked?—No, it was bolted withinſide, they could get in by getting over into a gentleman's garden, where the bolt was on the outſide.

Court. Do any of the officers know whether he has ever been here before?—no, my Lord.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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694. JANE, the wife of ROBERT ALLEN was indicted for that ſhe, on the firſt of December, in the 23d year of his Majeſty's reign, in the pariſh of St. John, Wapping, did marry Robert Allen, and him then and there had for her huſband, and afterwards on the firſt of September, 1784, with force of arms, in the pariſh of St. Martin's in the Fields, feloniouſly did marry and take to her huſband one Charles Burton, and to him was married, her ſaid former huſband being then alive, againſt the form of the ſtatute.

The priſoner challenged Murdo M'Kenzie, and William Turner, two of the Middleſex Jury, and Joſeph Greenhill and John Linton ſerved in their ſtead.

The Caſe opened by Mr. Silveſter.

WILLIAM COOMBES *ſworn.*

Here is a true copy of the regiſter that is made from the marriage regiſter book, No. 476, "Robert Allen, of this pariſh, butch-"er, and Jane Watſon, of the ſame pa-"riſh, ſpinſter, were married by licence "the 1ſt of December, 1782, by me Wil-"liam Pfior, miniſter; this marriage was "celebrated between us this firſt of De-"cember, 1782.

"ROBERT ALLEN,
"JANE WATSON,
"her — mark.

"In the preſence of Alexander Mat-"thiſon and John Coles."

ALEXANDER MATTHISON *ſworn.*

Do you know that woman?—Yes.

Do you know Robert Allen?—Yes.

Were they at Wapping church in December, 1782?——Yes.

What were they doing there?——Getting married.

Are you ſure that is the ſame perſon?—Sure enough.

Mr. Garrow. What is become of that Allen that was married to her?——He is here now.

Do you know whether they ever lived together afterwards?—Yes.

Do you know whether it was ever a marriage in fact, as well as in law?——They did live ſome time together.

William Coombes. This is a regiſter of another marriage, which is alſo in my hand writing, from this regiſter book.

Mr. Garrow. Where did you find that book?—In the cuſtody of the pariſh clerk. *(Reads.)* "The regiſter of the marriages "of St. Martin's in the Fields, Middle-"ſex; Charles Burton and Jane Watſon, "both of this pariſh, were married at this "church, by L. A. B. this firſt day of "September, 1784, by me, John Hunt, "curate; this marriage was ſolemnized "between us in the preſence of James "Clarkſon and Margaret Dugdale."

JAMES CLARKSON *ſworn.*

I know the lady at the bar, I was preſent at her marriage at St. Martin's church, I gave her away; I am ſure ſhe is the ſame perſon.

Mr. Garrow. Who are you?—A houſekeeper down at Wapping.

You knew Allen very well?——I did not.

Did you know what name this woman uſed to go by?—By the name of Mrs. Allen.

Did you tell her Allen was dead, and died abroad?—No, I never told her ſo.

Did you ever hear anybody elſe tell her that?——Not to my knowledge.

That is a little aukward ſwearing?——I never did hear it.

Have you carried any meſſage from Allen to this woman ſince this marriage was diſcovered?—Never.

You was not the man that offered to make it up for three guineas?—No.

How long did Allen continue to live with her?——I do not know, I was gone to ſea.

How long did you continue to live at home after they were married?—I do not know.

How did this man behave to her?—I do not know.

Mr. Garrow to Coombes. You are the attorney for this proſecution?—I am.

Did you ever offer to make it up for a ſum of money?

Mr. Silveſter. I object to that queſtion.

Had you directions to make it up from Allen for three guineas?—No, moſt ſolemnly not.

Court. The rule in civil caſes is clearly that he ſhall not divulge the ſecrets of his client; any thing that comes to his knowledge in the capacity of an attorney to his client; did you know this man when he lived with the woman at the bar?—I certainly did not.

Mr. Garrow. My Lord, may I be permitted to prove that this man, during the ſhort time he lived with the priſoner, treated her in a moſt brutal manner, and forced her to ſubmit to proſtitution to maintain him before he abandoned her.

Court. That might lay her under the neceſſity of quitting one huſband, but could not lay her under the neceſſity of marrying another.

GUILTY.

To be Branded.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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695. THOMAS JOCELYN was indicted for feloniouſly ſtealing on the 4th of June, two linen ſheets, value 5s. the property of Roger Gaſterell, and one callico gown, value 10s. the property of Elizabeth Wyatt.

(The witneſſes examined apart at the requeſt of the priſoner.)

ROGER GASTERELL *ſworn.*

I am a taylor, the bottom of Hemlock-court, Carey-ſtreet, Lincoln's-Inn-fields; I loſt two ſheets, on Saturday the 4th of June, returning to my houſe between one and two in the afternoon, I met my wife in purſuit of the priſoner, I aſked her where ſhe was going in ſuch a hurry, and I purſued the priſoner down Carey-ſtreet, into Great Shire-lane, I took him in Great Shire-lane with theſe two ſheets upon him, and this gown, they are my property; he fell

fell upon his knees and implored my forgiveneſs; I told him if I was ever ſo much diſpoſed to forgive him, public juſtice would not; theſe picklock keys were taken out of his pockets, and this hammer.

MARY GASTERELL *ſworn.*

I am wife to the proſecutor, I was ſtanding at my ſhop door; I keep a large green-ſhop; I ſaw the priſoner walking out of the ſtreet-door, he had a bundle in his leather apron, holding it in his right hand, and ſhutting the door with his left; I put the ſheets upon the bed four nights before, I never ſaw him before.

ELIZABETH WYATT *ſworn.*

I lodge at the proſecutor's, I am a mantua-maker, I never ſaw the priſoner till the 4th of June, when the proſecutor took him with my gown upon him, which is here.

PRISONER's DEFENCE.

I had been about a month before that with a girl of the town in a room in this court, and ſhe robbed me of five ſhillings, I went to Weſtminſter to put on a lock, I returned again and found the young woman there, I told her if ſhe did not pay me I would take a warrant for her, and ſhe gave me a pair of ſheets and a gown to carry down the court, and ſhe would follow me.

—— FAULKNER *ſworn.*

I am a conſtable, I went to take him, and theſe things, and he went down on his knees, and ſaid for God's ſake let me go about my buſineſs, and I will return the property; I ſearched him and found a number of picklocks; he confeſſed he took the things off the line.

Do you know Roger Gaſterell?—Yes.

Is it a reputable family?—Yes.

Priſoner. He locked me into a room, there is never a picklock key amongſt them, I am a ſmith by trade, and have a little ſhop of my own; I go about and buy old keys, and ſell them on Tower-hill.

The priſoner called four witneſſes who all gave him a good character.

Priſoner. When I get a drop of liquor, I am out of my ſenſes; I jumped into the Thames about three months ago.

Conſtable. He was not in liquor at the time I took him, that I will take my oath on.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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696. CORNELIUS MARNEY was indicted for feloniouſly ſtealing on the 13th day of June, ten iron bars, value 10s. the property of Henry Dagge, Eſq.

THOMAS SAMSON *ſworn.*

I am a watchman to the proſecutor, I found this bag in the hay, I left it laying there, and the next morning I ſaw this man coming for them, I followed him, I ſaw him go to the bag, lift it upon his ſhoulders and carry it away; I aſked him if he was going for a bag, and he anſwered aye.

JOHN EDWARDS *ſworn.*

I made theſe bars, they were taken out of what we call the copper-hole of the green-houſe, I tried them, they fitted, there was a particular mark upon them.

PRISONER's DEFENCE.

I have nothing to ſay only what I ſaid before *, I went to look for a day's work, and this ſhed was in a field not above forty yards from the foot way, I thought it was too early to aſk for work, and I thought to lay myſelf down in the place to ſave myſelf from the dew, and I laid in the hay, and then that gentleman came down and ſaid ſtand,

* See No. 634, this priſoner tried for the ſame offence.

I never

I never moved the bag in nor out of the place where it was, nor never touched it.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

---

697. JOHN SCOTT was indicted for feloniouſly ſtealing on the 17th of May laſt, one cloth coat, value 20s. a ſatin waiſtcoat, value 10s. a pair of velveret breeches, value 5s. a man's hat, value 1s. a ſilk handkerchief, value 1s. a pair of cotton ſtockings, value 2s. a pair of leather ſhoes, value 3s. a pair of metal buckles, value 6d. one tin japan box, value 2d. one claſp knife, value 2d. and one ſixpence, the property of John Lambert.

JOHN LAMBERT *ſworn.*

I am a labourer in the India Warehouſe, on Tueſday the 17th of May I loſt my clothes in George-yard, Whitechapel, they were upon the chair in the room where I ſleep, which was about a quarter after eleven, I waked about a quarter after ſix or ſeven, and my things were abſent, I found my knife on the priſoner when I took him on the 25th of May; he laid with me every night, but he was always in bed before me, and up before me; he ſaid he was horſe-keeper to Sir Benjamin Truman, I took him up by the ducking-pond facing Whitechapel, and I found my knife upon him.

ELEANOR M'CORMICK *ſworn.*

The priſoner is the man I let the lodgings, he lay with this young man, and the third morning he loſt his clothes, I let my lodgings for a ſhilling a week, he never came back, he did not pay me the lodging.

Priſoner. Did not more lay in the room? —Yes, there were two, one was in bed, the other was gone out, that man came back at night.

PRISONER's DEFENCE.

I found the knife coming down the ſtreet.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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698. JAMES BRADLEY was indicted for feloniouſly ſtealing on the 8th of June one white linen handkerchief, value 2s. the property of Robert Thornton, Eſq.

ROBERT THORNTON *ſworn.*

I was coming up Chancery-lane the 8th of June about four, and juſt by one of the courts I felt ſomebody put a hand in my pocket, I had juſt wiped my face before, the priſoner puſhed between me and the paliſadoes, I caught him by the collar, he endeavoured to eſcape.

(The handkerchief depoſed to.)

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

ERRATA in Number VI. Part V.

Page 888, ſecond column, line 13, for *ſettled* read *ſtiled.*—Line 16, for *vindicate* read *vitiate.*

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 29th of JUNE, 1785, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

699. JOHN TITFORD and MARY TITFORD were indicted for feloniouſly ſtealing on the 20th of May 100 lb. weight of lead, value 10s. belonging to Abraham Adams, and affixed to a certain building of his, againſt the ſtatute.

JOHN ROBSON *ſworn.*

I am a carpenter, about four in the evening I ſaw ſome perſon go into the proſecutor's houſe, I watched till eleven o'clock, and at eleven I ſaw ſomebody come out of the buildings, two perſons, it was a conſiderable diſtance, but it was moonlight; I ſaw them coming along, and the woman was laſt; the watchman ſeized the man, and took the lead; the priſoner ſaid he had bought it ſomewhere along the road; I took it the next morning and matched it to the lead on the building, and it fitted exactly.

PRISONER JOHN's DEFENCE.

I went as far as Brentford, and I ſaw ſomething lay, and I found it was lead, my wife was with me.

JOHN TITFORD, GUILTY.

Tranſported for ſeven years.

MARY TITFORD, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

700. DIANA CHADDICK was indicted for feloniouſly ſtealing on the 2d of May laſt, two ſheets, value 5s. a pair of flannel blankets, value 4s. a tin boiler, value 1s. one iron padlock, value fourpence, an iron key, value 1d. the property of George Carter, being in a certain lodging room let by him to the ſaid Diana, and to be uſed by her with the ſaid lodging, againſt the ſtatute.

GEORGE CARTER *ſworn.*

I live in Cable-ſtreet, I let a ready furniſhed apartment, and loſt the things mentioned in the indictment. I delivered the property to the priſoner, and the key, and within three hours ſhe and the things were gone; the room was the next door to my dwelling-houſe; I ſaw the priſoner the Monday following by accident, and ſhe denied herſelf being the perſon at firſt, but I can ſwear ſhe is the perſon; I let her go home to her huſband, ſhe ſeemed to be ſurpriſed at firſt, but at laſt ſhe declared ſhe did take the room of me, but it was for another perſon, and that ſhe knew nothing of the things; I never ſaw any of my things after; there are two other lodgers in the houſe, it is a public ſtair caſe, therefore I cannot ſwear ſhe ſtole the property, though it was delivered to her.

PRI-

PRISONER's DEFENCE.

I took the room of this man, and it was very dirty, and in the evening I left a woman in the room to clean it; I went to fetch my husband and child to the room, and when I came back the door was open, and the things were gone.

Carter. In half an hour after she went to her husband, as she said; I went up stairs and found the door open, and the things gone; there was no woman there when I went up.

The prisoner called two witnesses who gave her a very good character.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Justice HEATH.

---

701. JOHN POLAND was indicted for feloniously stealing on the 19th of May last 90lb. weight of lead, value 10s. belonging to Abraham Adams, and affixed to a certain building of the said Abraham, against the statute.

JOHN ROBSON *sworn.*

I am a carpenter, I matched this lead, and I am positive it came from the place by the nail-holes.

HENRY WARNER *sworn.*

The 19th of May about a quarter past eleven, this man passed me in the street, I am a patrol, and looking after him I saw he had something heavy, I pursued him, and he mended his pace, as I was coming up to lay hold of him he threw the lead down, I sprung my rattle, and he was taken.

Was he ever out of your sight?——No, I am sure he was the man I first saw with the lead upon his shoulders.

PRISONER's DEFENCE.

I was going from New Prison, Clerkenwell, with a letter, into Cavendish-street, and one of the watchmen stopped me; I saw a man on the highway.

The prisoner called one witness who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Justice BULLER.

---

702. JANE JACKSON and ELIZABETH FLINN were indicted for feloniously stealing on the 6th day of June, one silver watch, value 20s. a key, value 1d. a seal, value 2d. a hook, value 1d. a hat, value 12d. and three shillings and sixpence in monies numbered, the property of Martin Rowley.

MARTIN ROWLEY *sworn.*

I am a carpenter, I lost my watch, chain, seal, and key, in a room with the prisoners, there was no bed there; I felt one of them draw my watch out of my pocket, and they ran down stairs; I went and staid in the house till the morning.

WILLIAM VAUX *sworn.*

I was called up, and took the prisoners, and I searched the prisoner Jackson, and found the watch upon her; I found nothing upon the other.

PRISONER JACKSON's DEFENCE.

The young man asked me where I lived, I told him, I went home with him, and he gave me the watch to be with me three or four days.

PRISONER FLINN's DEFENCE.

I know nothing at all of the affair.

(The watch deposed to.)

Prosecutor. I know it by the number 1006; I was not the least particular to one more than the other, I felt one of them take

take the watch, that was the priſoner Jackſon.

Jackſon. He took up an old woman firſt.

Vaux. This old woman was taken up on ſuſpicion, but the proſecutor never knew any thing of it.

JANE JACKSON, GUILTY.

Tranſported for ſeven years.

ELIZABETH FLINN, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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703. THOMAS BUCKLE and ELIZABETH TETHER, alias BUCKLE, were indicted for feloniouſly ſtealing on the 8th day of June, one ſilver watch, value 40s. ſix linen ſhirts, value 3l. ſix holland ſtocks, value 12s. ſix muſlin neckcloths, value 12s. two pair of nankeen breeches, value 20s. a ſilver ſleeve button, value 2s. two ſilk waiſtcoats, value 10s. a feather bed, value 3l. two blankets, value 20s. one bolſter, value 10s. two linen curtains, value 20s. twenty guineas, value 21l. eight half guineas, value 4l. 4s. and one crown piece, value 5s. the property of Thomas Marſhall, in his dwelling-houſe.

The Caſe opened by Mr. Knowles.

The witneſſes examined apart.

THOMAS MARSHALL *ſworn.*

The priſoner, Mrs. Tether, was my houſekeeper; I keep a public houſe, the coach and horſes in Leather-lane, the priſoner Buckle came to lodge with me ſix weeks before the robbery; I have a club every Tueſday night, and I ſat down with them and we were merry together, about twelve they went away, after the members of the club were gone the priſoner Buckle and I had ſomething to drink together, and I fell aſleep, I was a little overtaken, he was the laſt that was in the room with me, I had fourteen guineas and three half guineas, and ſome ſilver in my pocket, a little after I awoke, I found my money was gone out of my pocket, all but three half guineas and ſome ſilver, I thought the woman priſoner had taken care of it; I went to bed and laid down, and I awoke between two and three, and I ſaw my bureau was broke open, in conſequence of which I alarmed the houſe, and called up ſome people, and I found neither of the priſoners, they were both gone; I found a ſervant maid, Elizabeth Willet, had gone to call a coach for them; I went to different places to enquire for them without effect: then I took the girl up before a Juſtice, and ſhe confeſſed; by this means I came to ſome other people that were confederates in conveying my goods away; I miſſed a great deal beſides the feather bed and hangings; I had two crown pieces, and I loſt one; I cannot ſwear to that; I miſſed my watch, and out of my bureau I loſt 20l. and upwards, I am not ſure to a few ſhillings; I loſt a feather bed, one bolſter, two pillows, two blankets; I cannot ſay when I ſaw them in the houſe laſt, there were ſome other curtains that were nigh reſembling put in the places in order to deceive me, but I have brought a curtain from the bed that was fellow to thoſe that are here; my clothes were taken away, all that was of value.

Mr. Silveſter, Priſoner's Council. You keep a public houſe?—Yes, this woman was a ſervant of mine, a houſe-keeper.

Do you mean to ſay ſhe lived with you as a common ſervant?——I looked upon her to be in truſt ſo far as this, you might come in and think we were man and wife.

Aye, I thought ſo; why, did not every one elſe think ſo?——People that did not know us might.

How long has ſhe lived with you?—At different times ſhe has lived with me twelve years; ſhe lived with me eight years together.

Did not ſhe pay the taxes, and take the houſe for you when you was a bankrupt?——She never took a houſe for me when I was a bankrupt.

Did not ſhe pay the bills?——I paid my bills in general; I have ſaid to my ſervants, go and ſee where ſhe is gone.

Did

Did not you ſay go and fetch Mrs. Marſhall?——I do not know that I ever ſaid ſo in my life.

Will you ſwear that?—I will not.

When you ſent her to pay the rent, did not ſhe pay it as Mrs. Marſhall, and your wife?—She paid it on my account no doubt, and Mr. Wallis might certainly think ſhe was Mrs. Marſhall.

Did not you treat her in every reſpect as your wife; you quarrelled ſometimes like man and wife, did you not?——There are very few but may have words.

You uſed to beat her too, I believe?—I have ſervants now that I take and beat; I have a nephew now that I beat.

Now this watch, did not you in one of your loving fits give her this watch?——No, never.

Was not you vexed when the man priſoner took her away?—I never heard of ſuch a thing till I found it out, till I traced the marriage.

Was not you angry at loſing your deary?——I was not.

Upon your oath did not ſhe and you live in every reſpect like man and wife?—Upon my oath we did not live in every reſpect or paſs to all the world as man and wife.

I give you fair warning Mr. Marſhall, did you, or did you not?——No, we did not.

Did you generally paſs as man and wife?—Some people in the neighbourhood looked upon us as ſuch, but there were thouſands of people that knew to the contrary.

Had not you a marriage agreement?—As to any marriage agreement that is erroneous, it could not be, ſhe knew my wife well all along; my wife lived in the country, there was a diſagreement between her family and me, and ſhe lived in the country.

Who had the care and management of your bed and all your property?——The houſekeeper had the management of the curtains and the bed, I was a little intoxicated that night, and fell aſleep.

ELIZABETH WILLETT *ſworn.*

I was ſervant to Mr. Marſhall, I remember the time when Mr. Marſhall was robbed, the night that the priſoners went away, which was the club-night, between two and three in the morning my maſter was very much in liquor, and the priſoner Mrs. Buckle promiſed to give me a gown, and a new pair of ſhoes if I would not tell my maſter about the things going out of the houſe, I ſaw the bed go out of the houſe in the middle of the day, Anthony Willett took it out of the houſe by order of Mrs. Buckle.

Court. Are the priſoners married?—Yes.

Was her huſband preſent?—No, Sir, he took my maſter out of the houſe while the bed went out, her name was not Mrs. Buckle then, but Mrs. Tether; ſhe was married on the Thurſday after, ſhe went away on the Wedneſday; I knew of the curtains going out, I took them out myſelf, by the orders of Mrs. Buckle; ſhe ſaid ſhe ſhould go out of the houſe and leave him, and keep another public houſe, for ſhe could not lead ſuch a life with him, and ſhe ſaid that I ſhould come and live with her, and ſhe promiſed to come and fetch me on the Friday night.

Mr. Silveſter. Betty, how long have you lived with Mr. Marſhall?—— Three months.

What did the family conſiſt of?—There was my maſter, and miſtreſs, that is Mrs. Tether, ſhe went by the name of Marſhall, he uſed to call her Betty, they lived together as man and wife.

Was the bed taken out of the houſe in the middle of the day?—Yes.

How did your maſter treat her?——I do not know, I cannot tell you that.

Did not he beat her a little as his wife?——Yes, I believe ſo; this young man lived in the houſe about a month; ſhe had the paying of every thing, I did not know that they were not man and wife till they went away.

Did Mr. Marſhall treat her as his wife?——Yes, I believe ſo.

Had they ſeparate beds, or only one bed?——One bed, Sir.

ANTHONY WILLETT *ſworn.*

I was employed to move ſome goods from Mr. Marſhall's houſe.

Who employed you?—Mrs. Marſhall.

Who do you mean by Mrs. Marſhall?——The woman priſoner; it was a month to day ſince I moved the bed.

Where did you carry the bed to?——To my houſe in Brick-lane, by Old Street.

Did you ſee Mrs. Marſhall and the other priſoner there?—Yes, Sir, ſhe came to my houſe in the afternoon, on the Monday following I took away a braſs fender.

Mr. Silveſter. Had you been at his houſe before?——I worked for him all laſt winter.

Did not they always paſs as man and wife?—Yes, I did not know any other till ſhe was married to Mr. Buckle.

This bed was taken away openly?——At four o'clock in the afternoon.

Did ſhe deſire you to be ſecret?—Yes, not to let my maſter know.

Who paid you?——Sometimes he paid me, and ſometimes ſhe.

——— M'CARTHY *ſworn.*

I remember ſeeing both the priſoners; I live the bottom of Brick-lane, in Old-ſtreet, I never had any dealings with either of them, any otherwiſe than buying a bed, which I bought the 9th of June, I gave 3l. 4s. for it; I bought it of the gentlewoman, there were ſeveral in the room, they are all here.

What name did the perſon go by of whom you bought this bed, at the time you bought the bed?——I did not know the name, I never ſaw her with my eyes before.

JOHN FISHER *ſworn.*

I ſaw the priſoners apprehended at Leominſter, in Herts; firſt of all I came over and ſpoke to the young man, by the name of Buckle, and he anſwered to that name, the watch was found in his fob; Mr. Buckle ſaid it was his, and Mrs. Buckle directly anſwered and ſaid, yes, it was, he had bought it and paid for it before they were married; Marſhall deſcribed it as a bruiſed watch, and this had no bruiſes in it, and the name of Mr. Buckle was engraved on the back.

JOHN TAYLOR *ſworn.*

I was preſent at the apprehending the priſoners, firſt I apprehended the man, then he told me his wife was up-ſtairs, then I took her into cuſtody; and I found in his poſſeſſion a ſilver watch, I told the man I had a warrant againſt him for felony, he ſaid well, behave civilly, do not make any oration in the place, for I ſhould be happy the neighbours ſhould not know of it, for it may hurt my ſiſter and brother; I found upon him a ſilver watch, and ſeven guineas and a half in money, then I took the watch out of his pocket; I ſaid here is the watch, but it does not anſwer the deſcriptions, which were, that it was very much bruiſed, the priſoner Buckle ſaid, it is my watch, for I bought it.

JAMES EDWARDS *ſworn.*

I live in Leather-lane, this watch the priſoner at the bar brought to me on Monday the 6th of June, there is a paper of mine of that date in the caſe now, I always date every watch at the back.

In what ſtate was the watch when brought to you?——Very much bruiſed, and no glaſs, and no minute hand; I had order to put a new glaſs in, take the bruiſes out, put a minute hand, and engrave the cyphe T. B. upon it.

Mr. Silveſter. Did you know Mr. and Mrs. Marſhall?——No, Sir, I did not know there were any ſuch people in the neighbourhood, for I never go to any public houſe.

Mr. Marſhall. This is my watch, I know it by the name J. Day, No. 190; I knew the number before I ſwore to it before the Magiſtrate, it was much bruiſed on the outſide caſe, and the minute hand broke.

Mr. Silveſter. How long had Mr. Marſhall had this watch?——Not long, bro

broke the glaſs and minute hand when I was down in Moorfields, it lay in my drawer, ſhe had no keys to that drawer, ſhe had keys of the drawers underneath, where her clothes lay.

Who adviſed you to indict this woman capitally?——I thought the robbery that was committed upon me was ſufficient; we did not live as man and wife, ſhe knew that, no doubt but many of the neighbours looked upon us to be man and wife.

Court. Did you ever pay this woman any wages?——Yes, many different times, I paid her about a year and a half ago.

What is due to her?——I cannot think there is anything, conſidering the money that has been made uſe of.

What did you pay her for wages?——Eight pounds a year was the agreement, and I believe we have not ſettled for a year and a half.

Were there any arrears due?——No, I paid her up to Chriſtmas was a twelvemonth; ſhe has had at different times of me a good many guineas on account.

Have you any receipt for wages?——Yes, I have, I ſhall be able to prove that a great part of my books and writings have been deſtroyed and burnt.

PRISONER TETHER's DEFENCE.

Mr. Marſhall gave me that watch, when he won a watch at a raffle, a little watch that he had, he gave me this in the preſence of my ſiſter, he told her ſo; he went out afterwards and ſtaid out all night, and loſt his own watch, and then he wore mine.

Marſhall. I never won a watch at a raffle in my lifetime.

Mrs. Buckle. When we firſt went together we were in ready furniſhed lodgings a year and a half, and he had not a bed to lay on; then afterwards I went to his houſe.

Marſhall. I bought it, or lent her the money to buy it in my name.

Court to Marſhall. Is that true that this was her bed, or that ſhe had a bed?—She never had.

Priſoner Tether. He has laid in bed till I have waſhed his ſhirt, many a time.

LYDIA TETHER *ſworn.*

I am ſiſter to the priſoner Buckle, I know Mr. Marſhall very well many years; when firſt they went together I did not know but they were lawfully married for ſome years, I aſked her firſt, and ſhe told me they were married; and I aſked him ſeparate, and he told me they were married at Biſhopſgate church; with reſpect to the watch, I went to their houſe in April, and I was ſhewing my ſiſter a watch I had lately purchaſed, and ſhe ſhewed me one that ſhe had, I aſked her if it was her watch, and he made anſwer, he had given it her, ſhe replied it was all broke, it was not worth a gift, it was broke, the glaſs and hands.

Had ſhe any furniture when they were in lodgings?——I believe the firſt was a ready furniſhed lodging that they had, and after that they had a room with one bed, and a very little furniture.

Who purchaſed that bed?—She had feathers of me to fill a bed, but that was ſince; I do not know who purchaſed the bed.

Mr. Knowles. Where was this watch broke?—The glaſs was broke and the caſe was injured.

Was any thing more broke?——Not to my knowledge.

What watch was this?—A ſilver watch.

JOHN PAGET *ſworn.*

I know Mr. Marſhall, and the priſoner Buckle, ſhe came to me and took a houſe of mine, in the name of Mr. Marſhall, and gave me half a guinea earneſt, and paid me the rent.

What is her general character as to honeſty?——A very honeſt, ſober, decent woman; Mr. Marſhall has frequently come to my houſe, and ſaid ſend a pot or a pint of beer to my wife.

Marſhall. To my houſe I have ſaid.

Mr. Knowles. How long ago is it ſince you ſerved him with beer?—Laſt April, I believe they had but few beds when they lived in my houſe.

Mr.

Mr. WALLIS *ſworn.*

I am a colourman, I have known the priſoner Buckle five or ſix years or more.

What has been her general character in life for honeſty?—A very good character, I always ſuppoſed her to be Mr. Marſhall's wife, and not only his wife, but a very good one; I have heard him in my preſence call her by the name of his wife.

GEORGE SAGE *ſworn.*

The woman priſoner lived in our neighbourhood four or five years ago, a very honeſt ſober woman, always went by Mr. Marſhall's name, I truſted her with bread, and ſhe paid me, and I ſhould have looked to Mr. Marſhall for the money, if ſhe had not.

THOMAS HORNE *ſworn.*

I have known Mrs. Buckle about three years, I am a collector of the Poor's Rates, ſhe is very honeſt; I always thought them to be man and wife.

The priſoner Thomas Buckle called three witneſſes who all gave him a very good character.

Mr. Knowles to Proſecutor. Do you know that bed?——Yes, I know it to be mine.

To Mrs. M'Carthy. Is that the bed you bought of the priſoner?—It is the bed, I know it is the bed.

THOMAS BUCKLE, NOT GUILTY.
E. TETHER, alias BUCKLE, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice HEATH.

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698. WILLIAM JACKSON was indicted for feloniouſly ſtealing, on the 9th of May laſt, five yards of printed cotton, value 20s. a cotton gown, value 5s. two black ſilk cloaks, value 20s. eight ſhirts, value 30s. ſix ſhifts, value 10s. one white marſeilles waiſtcoat, value 5s. two table clothes, value 12s. a handkerchief, value 6d. four chair covers, value 6d. two jackets, value 5s. two petticoats, value 4s. one callico muſlin petticoat, value 2s. two childrens cotton frocks, value 3s. three pair of childrens cotton ſtockings, value 3s. two ſilver tea-ſpoons, value 2s. two other ſilver tea-ſpoons gilt with gold, value 4s. the property of Nicholas Shepherd in the dwelling houſe of Robert Barker.

JANE SHEPHERD *ſworn.*

I am wife of Nicholas Shepherd, I live in Brownlow-ſtreet, in the houſe of Robert Barker, we rent two rooms there, a fore parlour, and a back room, on the 9th of May, about half after ſix in the evening, I loſt the things mentioned in the indictment; it is not in my power to tell all I loſt, twenty guineas would not put them in the place, I was at Mr. Gibſon's at the time the things were taken away, which is three doors off; in a very little time after my little boy come and told me of it, I was not out a quarter of an hour, when I returned, my drawers were pulled out, and my property taken away; I went to the public office in Bow-ſtreet, I have only ſeen one ſilk handkerchief again, that I ſaw at the firſt hearing at Bow-ſtreet.

MARY NICHOLLS *ſworn.*

About half after ſix, I ſaw a young man come out of the proſecutor's houſe, with a large bundle in a white cloth, he run quick to the end of the ſtreet, he turned round the corner, and I ſaw no more of him after, I never ſaw him before; I was fetched to the Juſtice's when he was taken up, I really believe he is the man, but to ſwear to him, I cannot poſitively.

Was he dreſſed as he is now?——No, Sir, he had a green coat, and his hair ſtraight, not curled at all, and he was in the ſame dreſs at the Juſtice's as when I ſaw him with the bundle.

JOHN SHALLARD *ſworn.*

On the 9th of May about ſeven, I ſaw the priſoner at the Seven Dials, he was coming from the ſtreet where the robbery was committed, I met the priſoner with a large bundle under his arm, I did not ſuſpect

pect it was ſtolen property, or elſe I ſhould have ſtopped him, but I went to ſee where he went to, and he went to Leiceſter-fields and he took a coach; I came down to the public-office; he was taken about four weeks after, I know him perfectly, Mrs. Shepherd ſaw the priſoner and his mother together at the Brown-bear, and ſhe ſaid, ſhe really believed that her handkerchief was round his mother's neck, and I took it off, and ſhewed it to the proſecutrix.

Proſecutrix. This is my handkerchief, there is a little bit of wax on the ſelvage, and it will never come out.

DOROTHY BAKER *ſworn.*

I know that is Mrs. Shepherd's handkerchief by the mark.

EDWARD STONE *ſworn.*

The priſoner took his handkerchief off his neck at the Brown-bear, and delivered it to his mother, and ſhe gave him a white handkerchief to put round his neck.

JOHN SOLEMN *ſworn.*

I was in Leiceſter-fields, and there came a man with a bundle, and he aſked me what I would have to carry him over Weſtminſter-bridge, I cannot ſwear to the priſoner, he had a bundle and a green coat, I drove him to the Surry ſide of Weſtminſter-bridge, he got out of the coach and paid it, I do not know the man, I believe he is the ſame perſon.

FRANCIS SHEPHERD *ſworn.*

How old are you?——Going in ten.

Court to Proſecutrix. When was he nine?——In March laſt.

Do you know the nature of an oath?—Yes.

Why are you ſworn?—Becauſe I am to tell the ſtory.

But why did the man ſwear you?—Becauſe I ſaw the thief through the key-hole.

Do you know the nature of an oath?—No.

(He was not examined.)

JOHN SAYRE *ſworn.*

I apprehended the priſoner, I found nothing about him.

Priſoner. I wiſh to call one Mary Sykes that had that handkerchief in her poſſeſſion a fortnight before Whitſuntide.

MARY SYKES *ſworn.*

I know the young man, he is a taylor.

Do you know this handkerchief?——I know it by the pattern.

Do you know it by anything beſides the pattern?—I cannot ſay that I do, I bought it of him as near as I can recollect, about a month before Whitſuntide.

Mrs. SHARP *ſworn.*

I keep the houſe, I have ſeen the handkerchief to the beſt of my remembrance, tied up in a bundle a fortnight before Whitſuntide.

JOHN GORDON *ſworn.*

I am a taylor, the priſoner is the ſame branch as I am, we worked together ſome conſiderable time at Douglaſs's and Lambert's, St. Martin's-lane, that handkerchief I had in my poſſeſſion ſometime in the middle of May laſt.

——— HART *ſworn.*

I am a maſter taylor, I have known the priſoner two years, he bears a very good character, he worked for me all laſt winter, I have intruſted him with pounds of my property, and would again.

DANIEL COZENS *ſworn.*

I am foreman to this ſhop, I know the priſoner, he worked for us, the 9th of May he left work at ſeven.

Court. How do you know that?—By the work that he did, I ſaw him in the ſhop that night, on the 9th of May he ſtaid till ſeven; he did not ſtay till ſeven every night, he went off on Weſneſday in the afternoon, that is he left work, he came to us again on Thurſday morning, he was there all day the Friday; he was not

off at other times before, that I will venture to ſwear, he kept at our ſhop.

JOHN BALSTONE *ſworn.*

I work at the ſame ſhop, the priſoner is a journeyman taylor, he worked there on the Monday before, he worked all day till ſeven, we work from ſix in the morning till ſeven at night, I take upon myſelf to ſwear that he was there on the Monday, the Tueſday, and half a day on Wedneſday, I know from my own knowledge, he left the ſhop at ſeven on Monday, he was there every day till the 11th of May, except the Wedneſday and Friday.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice BULLER.

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699. MICHAEL OXEN, otherwiſe OXDEN, was indicted for feloniouſly ſtealing on the 21ſt of June, three quarters of a pound weight of green tea, value 2s. the property of the Eaſt India company.

A ſecond count, Laying it to be the property of perſons unknown.

JOHN SAMUEL *ſworn.*

I ſaw him take ſome tea and put in his breeches, from Fenchurch-ſtreet warehouſe, about ſix o'clock.

How much?—About three quarters of a pound; it was found in his breeches.

PRISONER's DEFENCE.

I unfortunately found this tea in a corner of the warehouſe.

GUILTY.

Whipped.

Tried by the London Jury before Mr. Juſtice BULLER.

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700. ANN ICORN was indicted for feloniouſly ſtealing on the 25th of April laſt, one man's cloth coat, value 18s. a ſcarlet cloth cloak, value 12s. a linen ſhift, value 18d. two printed callico muſlin gowns, value 20s. one black ſtuff petticoat, value 8s. the property of Samuel Hudſon, in the dwelling houſe of James Burdett.

ESTHER HUDSON *ſworn.*

I get my living in the ſtreet at Cornhill, I lodge in the houſe of Mr. Burdett, I am a married woman, my huſband's name is Samuel Hudſon; I think I loſt the things on the 25th; the priſoner I have known from a child, I recommended her to lodge in this houſe, where ſhe had been a fortnight, and I let her ſtay in this room, ſhe told me ſhe had learned to wind the engine; I went out at nine in the morning, and I left her in my room, and at night when I went home, inſtead of bringing the key to me, ſhe left it in the next room, and a child gave it to me, I came back about nine or ten at night, and I miſſed the things; I ſaw them in the morning before I went out, I left a gown and petticoat on the bed, and deſired her to double them up; I cannot ſay how many other things lay about, ſome were in the drawers, they were not locked; I have ſeen the things ſince, the things are of the value mentioned in the indictment.

Mr. Garrow, Priſoner's Council. Does your huſband live at home with you?——Yes.

Theſe pawnbrokers are quite ſtrangers to you?——Yes, I do not live their way.

They are not the pawnbrokers you deal with?—No, Sir, I go nearer my neighbours.

What is the name of the pawnbroker you deal with?—Davis, in London Wall.

You are a pretty good cuſtomer of his?—I do not ſay that I am.

Who did you ſend in general?—I ſent anybody that I liked to aſk.

Who was the firſt—Any body that was in the way.

How often have you ſent the priſoner at the bar think you?——Never, I never ſent her in my life, ſo help me God.

Did you ever pledge anything of hers?——No never, ſhe had nothing to pledge.

Did

Did you uſe ſometimes to borrow any of her things?—Never.

You have none of her things now?—No.

You did not authoriſe her to pledge theſe things?—No.

What buſineſs was this young woman?—I never knew anything bad of her before, I knew her a child.

EDWARD FRANCIS *ſworn.*

I am a pawnbroker in Shoreditch, I never ſaw the priſoner before ſhe was at Guildhall; I have a petticoat in my poſſeſſion that the proſecutrix has ſworn to be her property, it was brought to me by Sarah Cawdell, ſhe is not here.

Court. Then I will ſtrike that out entirely.

JAMES BOYLE *ſworn.*

I am a pawnbroker in Hair-alley, Shoreditch, I have a gown here, which Mrs. Hudſon ſwears to be hers; it was pledged by a woman in the name of Ann Icorn; I never ſaw the priſoner but at Guildhall; I lent 13s. upon it.

HENRY CLARKE *ſworn.*

I am a pawnbroker, on the 25th of April the priſoner whom I have ſeen before, more than once, brought a man's cloth coat, which I have here, to our ſhop, it appears by my ticket to be on the 5th of April, I am ſure as to the perſon of the priſoner; I lent 13s. upon it, I take that to be very near the value of it; on the 27th following ſhe brought a ſcarlet cloth cloak, and a linen ſhift, I lent 3s. on the ſhift, the cloak I lent 14s. on; the value is 16s; I do not obſerve any particular mark upon them of any kind, and they are new; there is nothing diſtinguiſhable in them.

Mr. Garrow. You would not venture to ſwear to them?—I would not myſelf ſwear to them by no means; I have been in that way of buſineſs ten years, or more, and from any obſervation I could make of theſe, I could not ſwear to them.

Having looked at them attentively, if they had been out of your hands a day or two, would you venture to ſwear to them?—No; the priſoner was in the habit of coming to our ſhop from another perſon, and I underſtood from her that the coat was the property of that perſon, and the cloak and the ſhift of another perſon, ſhe deſcribed them ſo.

What time was it?—It was in daylight I am confident, I think it was ſomewhere between eleven and four, but nearer than that I cannot ſay.

Court. Theſe are ſuch things no perſon can ſwear to them?—I had them in my poſſeſſion, with the duplicates upon them, if anybody had ſubſtituted others for them, I could not ſwear to them, but I have no reaſon to ſuſpect that; the coat is the 25th of April, the cloak and the ſhift on the 27th following.

(The things looked at by the Proſecutrix.)

Mr. Garrow. By what marks do you know them?—I can ſay with a ſafe conſcience that they are mine; the ſhift is new, it has no mark.

Do you think it is impoſſible for you to be miſtaken?—I think ſo.

Might anybody elſe have ſuch another cloak?—They might.

Had nobody elſe a new ſhift at that time?—I believe they might.

Now about the coat?—It had been worn two or three times.

So has one I have got at home.—I dare ſay you wear better cloth than this.

Did you make the ſhift yourſelf?—No, I never makes nothing; the cloak was made at No. 2, Houndſditch, I have worn it twice.

To the beſt of your belief do you think it is yours?—Yes, my huſband has not had the coat on ſince it was at the pawnbrokers; I believe this to be the coat; I know ſuch things were miſſing on that day.

Priſoner. I leave it to my councel.

Jury to Pawnbroker. Do not you often take in things upon which you do not immediately put a ticket?—It frequently happens in the hurry of buſineſs that we do not put them on immediately.

Court. Can you ſwear that that was the

ſame

ſame woman that brought you theſe things? ——Yes.

The priſoner called four witneſſes who all gave her a good character.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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701. EDWARD HUGHES was indicted for feloniouſly ſtealing on the 1ſt of June, 14lb. weight of rice, value 3s. the property of James Gaſcoine and Co.

JAMES GASCOINE *ſworn.*

On the 1ſt of June, looking out of the compting-houſe at Porter's-key, which joins Bear-key, I ſaw the priſoner at the bar with another man whom I could not take, force the head off a barrel of rice, and the priſoner filled his apron; I ſuppoſe I was about twenty yards diſtance; I went down, and he had not then abſolutely given over the matter, I rather mended my pace towards him, and he knew my face, ſeeing me walk ſharp up to him he put off and ran up Bear-key gate, I followed him, and ſaw him ſhoot the rice, I was cloſe to the gate; we are accountable for the rice; it was in our poſſeſſion, I am ſure it was a barrel that belonged to us.

PRISONER's DEFENCE.

I was looking for work on the key, and I ſaw a man that I had worked with, and I aſked him for a little rice for my own uſe, and he put a little in my apron, and this gentleman came after me, and I thought I was in an error, and I went and put it into a caſk.

Mr. Gaſcoine. He did not carry any back again to the caſk, that I am ſure of.

GUILTY.

Whipped and impriſoned one month.

Tried by the London Jury before Mr. ROSE.

702. ROBERT WALKER was indicted for feloniouſly ſtealing on the 27th day of May, one pair of white ribbed cotton ſtockings, value 4s. the property of Alexander Leary.

ALEXANDER LEARY *ſworn.*

On the 26th of May I bought a pair of ſtockings, and I left them at the houſe of Charles Callaghan. I could not prove they were mine, I do not now know that they are mine.

CHARLES CALLAGHAN *ſworn.*

I live in Leatherſeller's Buildings; the laſt witneſs left a pair of ſtockings with me, I ſhould know them, I could ſwear to them; on the morning of the 27th I went into the neceſſary, and the duſtmen called and aſked if there was any duſt, they had hardly gone in when the priſoner looked in at the window, the ſtockings laid there, in the place where the proſecutor laid them in, and I ſaw him lay them in the window the day before, we were at dinner when he called; they were white ribbed cotton ſtockings; I happened to look out, and they were in the back yard a very little time, and this chap lifted up the ſaſh window, it was between eight and nine, I ſaw him put them in his pocket, he wore a ſhort white jacket, and when he had done that he took his baſket, and I followed him down to his duſt cart, which lay at the end of the gate; I laid hold of him by the collar and put my hand into his pocket and pulled them out; he reſiſted a little, and I ſent for a conſtable.

What did you do with the ſtockings afterwards?——I gave them to the conſtable.

PRISONER's DEFENCE.

I am quite innocent.

GUILTY.

Whipped, and impriſoned one month.

Tried by the London Jury before Mr. ROSE.

703. EDWARD

703. EDWARD JEFFERSON was indicted for feloniouſly ſtealing on the 5th of June, four ounces of Bengal ſilk, value 3s. the property of John Michael Gilleage and Philliberd Gilleage.

MARY BARBER *ſworn.*

I am a ſilk windſter; I work for Mr. Taylor, the priſoner came to my room to aſk a woman that lives with me to waſh a pair of ſtockings and a ſhirt; I am a room keeper; and whilſt ſhe was waſhing theſe things he came to the baſket and took a piece of ſilk out of it, a child informed me of it; I looked and miſſed three pieces, and one piece I found in his breeches; I examined him before he went out of the room, he had not his ſhirt on then; I knew the ſilk I miſſed it directly, and that I found upon him was the colour of the ſilk that was miſſing; the conſtable has it; I have known the priſoner between two and three years, he is a weaver.

—— TAYLOR *ſworn.*

I am a ſilk throwſter, I employ Mrs. Barber, I weighed her three pounds of ſilk, I cannot ſay the exact day, it was about the 19th of May it was Bengal raw ſilk, I ſhould know whether it was Bengal raw ſilk, but not whether it was the identical piece of ſilk that I delivered, that is impoſſible; the ſilk belongs to John Michael and Philliberd Gilleage, I underſtand they are partners, their names are upon the door together.

Court. You know nothing of Mr. Gilleage's name but by what he told you?——No, not that they are in partnerſhip, except by themſelves, on their door is J. M. and P. Gilleage.

Are they reputed partners do you know?——I underſtand them to be ſo, and dealt with them as ſuch; I received the ſilk from them to throw, and I gave this woman three pounds; about a fortnight after this woman came to me, and told me ſhe was robbed of part of the ſilk, but did not mention the name of the man that robbed her, ſhe ſaid ſhe had got the thief; I do not remember that ſhe ſaid where.

THOMAS TAYLOR *ſworn.*

I am a weaver, I was in Mrs. Barber's room at the ſame time, but I was looking out of the window, my back was to him, I turned myſelf and I ſaw this Mrs. Barber go to the place where the work did lay, and ſhe turned to the priſoner and ſaid, you have got my work, and he denied it; he was lying near the work, with that ſhe got to his breeches, and ſaid, oh! there is my work; and he denied it ſeveral times, he had got no ſhirt on; I ſaw it taken out of his breeches, Mary Barber took it out.

Did you ever find the other two?——I did not examine him myſelf, but Mrs. Barber did.

Court to Mrs. Barber. I underſtand you that you miſſed three of theſe pieces of ſilk?——Yes, I do not know what is become of the other two, he was up and down ſtairs two or three times before his ſhirt was off, that was when his ſhirt was off that I found the piece upon him, he was gone out that morning a matter of two or three hours; he was in the room both before and after dinner.

MARY CROMLEY *ſworn.*

What ſilk did you carry to the conſtable?——That he has got in his handkerchief, it is the ſilk that I ſaw Mrs. Barber take out of his breeches, and give it to the conſtable.

JOHN HENLEY *ſworn.*

I am conſtable, I received this ſilk of Mary Cromby, I have kept it ever ſince.

Proſecutrix. I work for nobody but for Mr. Taylor, and I had no ſilk at that time, but what I received from him.

PRISONER's DEFENCE.

When I went up there in the morning, I aſked this woman to waſh my ſhirt, and I laid down and ſlept, I gave them ſome money, and this woman charged me with the ſilk; they have known me many years, there were more in the room than me.

Court. How came the ſilk in your breeches?—It was not in my breeches.

The priſoner called three witneſſes who gave him a good character.

GUILTY.

Whipped, and confined one month in Newgate.

Tried by the London Jury before Mr. ROSE.

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704. WILLIAM GOSLING was indicted for feloniouſly ſtealing, on the 13th day of May laſt, one ſilver watch, value 40s. a ſteel chain, value 12d. a baſe metal key, value 1d. a hook, value 1d. a trinket, value 1d. the property of Benjamin Amblert.

BENJAMIN AMBLERT *ſworn.*

On the 13th of May between one and two in the afternoon, I loſt my watch in Chiſwell-ſtreet, I was going home, I had been to ſee the balloon go off; there was a great croud, and I ſtopped myſelf for the croud to go by in a vacant place, and in an inſtant I felt ſomething draw me round, I turned and caught the priſoner, and I looked to ſee if my watch was gone, it was, and I ſaw him throw the watch into the kennel; I held him with one hand, and with the other picked up the watch, but the caſe flew further off, and before I could get at that it was picked up, I never looſed him till I took him to the Compter, he denied it, and another witneſs aſſiſted me and put the watch in his pocket, the outer caſe was loſt.

Mr. Garrow, Priſoner's Council. This was the day the balloon aſcended from the Artillery Ground?——Yes.

There was a very conſiderable croud we all know?——There was a great many on the path way, I was coming home like a great many thouſands.

The firſt thing you did after you found ſomething was gone, was to ſeize the firſt arm you could catch?——Yes.

Recollect a little, conſider the conſequence to the priſoner, can you undertake to ſwear to him?——I can.

How was he dreſſed?—He was dreſſ'd in a brown waiſtcoat, and a coarſe apron.

Have you always told this ſtory?—Yes.

Do you know Mr. Hart, the conſtable?——No.

Do you know Mr. Rowley?——No.

Had you any converſation with Rowley at the time you went to Guildhall about this young man?——No, not to any ſoul that I know of.

FRANCIS ROWLEY *ſworn.*

I was cloſe behind the man when the priſoner took his watch, I am ſure the priſoner had the watch, I ſaw the proſecutor lay hold of the priſoner at the bar, I ſaw the priſoner throw the watch from him.

Mr. Garrow. Are you ſure you was in Chiſwell-ſtreet with him?—Yes.

Was the priſoner behind Mr. Amblert?——Yes, There might be ten or a dozen.

Can you venture to ſwear it was this young man that took it?——Yes, I was behind, I ſaw him diſtinctly, I am ſure of it.

RICHARD TILCOCK *ſworn.*

I am the officer that took the priſoner into cuſtody, the watch was delivered to me before the ſitting Magiſtrate by Mr. Amblert.

Proſecutor. That is the watch I picked up out of the kennel.

Is it your watch?—It is my own watch, I know it by the maker's name in the inſide, Carter, and there is a trinket on it with two hearts, and a little ſtone.

What ſort of a chain had your watch?—A ſteel chain and a bit of gilded thing in the middle, and two old keys, and one braſs key, there is no ſeal at all only them two little hearts.

PRISONER's DEFENCE.

I was coming up Old Street road, and I met one Mr. Gill, a gentleman of my father's acquaintance, and up Bunhill row, I came into Chiſwell-ſtreet, there was a crying out about loſing a watch, and I went to

ſee

ſee what was the matter, and the gentleman ſaid it was me, and laid hold of me.

GEORGE GILL *ſworn.*

I live at No. 7, in Monkwell-ſtreet; I I am a dealer in tobacco, I have known the priſoner near three years, he lives with his father, it happened on the day the the balloon went off, I met him in Bunhill-row and a young woman was with him, and he aſked me to go down with him into Chiſwel-ſtreet to ſee the balloon go off, I ſaid, I am going that way; when we came to Bunhill coming into Chiſwell-ſtreet, there was a bit of noiſe about having loſt a watch, and the priſoner went into the croud to ſee what was the matter, and he was taken into cuſtody.

Court. What ſort of a dealer in tobacco are you?—I buy it, and pay ready money for it, and make it up for public houſes; I am a houſe keeper, I have lived there about two months: I heard the diſturbance about the robbery before this man went into the croud, and he was ſeized immediately.

Mr. Garrow. What robbery was it that there was this hue and cry about?——I take it to be this, but I cannot ſay it was this.

I meant to aſk you about the character of this young man?——The priſoner bore a very good character.

JOHN CHATHAM *ſworn.*

I live in the highway, Wapping, I am a gardner, I have know him a twelvemonth, he has always been with his father ever ſince I knew him, and bore a very good character.

Court. What is the priſoner?——He worked along with his father.

Mr. Garrow to Rowley. What buſineſs did you ſay you was?——A green grocer and chandler twenty years.

Did anything remarkable happen to you in the month of June or July, in the year 1780?—Yes.

I believe you was here in that month?—I was, no diſgrace to me for that.

You had the misfortune to be, I believe, as many other perſons were, wrongfully accuſed of the riots?——I was tried and accquitted with much applauſe.

Have you had any complaint ſince?——Very lame, forced to go upon crutches.

Has that been the only complaint to which you have been ſubject?—Yes.

The priſoner called five more witneſſes to his character.

The priſoner then wiſhed to call the following witneſs, whom Mr. Garrow his Counſel declined to examine, and adviſed the priſoner not to call.

MARY GRAHAM *ſworn.*

I live facing the Sun tavern fields, Shadwell, in Mr. Biſhop's houſe; on the Wedneſday in the Whitſun week, his mother and me were together, and the two gentlemen were together, the proſecutor and Mr. Rowley, it was in Guildhall yard, they were diſcourſing together about the young man, and Mr. Rowley ſaid, he would make forty pounds on him; and his mother ſaid, ſhe hoped he would not make five farthings on him; when they came into the hall there was a man named Hart, who told theſe two gentleman to ſwear plump againſt him, or elſe he would not be fully committed, and there was another gentlewoman named Mary Newmark, and Hart ſaid, if ever a one of us offered to ſpeak in his behalf, he would perjure us all three, and they would not ſuffer ever a one of us to ſpeak a word; then Hart told Rowley and the proſecutor to ſwear plump againſt him, or elſe he would not be fully committed; all this I heard myſelf, for I was in the hall till the young man came out.

Who elſe was preſent?——The gentlewoman that was with his mother, her name was Mary Newmark, and by the fright, and ſhe being with child, ſhe now lays ill, and her life is not expected.

Who was this Mr. Hart?——I do not know what he is, I believe he is a conſtable or ſomething of that kind, he wore brown clothes; the priſoner's mother ſaid,

gentlemen,

gentlemen, do not ſwear my child's life away wrongfully, and Mr. Rowley ſaid, I will make forty pounds of him, I only want the reward; the gentleman took the watch out of his pocket and ſhewed it to the Alderman, and Mr. Rowley ſaid, he ſaw a ſtrange man take the caſe out of the kennel, and go away with it.

Court to the Officer. Take care this woman does not go out of Court till the Jury have found their verdict.

Lord Mayor. Who did you mention this to firſt?—His mother and I diſcourſed about it, I did not tell anybody about it, the Magiſtrates would not let him ſpeak nor any body elſe; they told him not to talk till he came here.

Who was the Magiſtrate?—Mr. Plomer, I believe.

Then you did not mention it to any perſon?—No, Sir, I have no acquaintance only his own friends.

Which was the firſt friend you mentioned it to?——His mother.

Why, ſhe heard it?—I did not mention it to anybody elſe.

Court to Rowley. You have heard what this woman ſays, is it true?—No, upon my oath.

Court to Proſecutor. Is there any truth in any part of this?—Not a word.

Court. See for Hart.

(He was ſent for but not found.)

Court to Priſoner. Do you know this woman, Mary Graham?—Yes.

Did you know ſhe was coming as an evidence?——No, I did not, I knew ſhe was with my mother when ſhe went up to Guildhall.

GUILTY.

Court to Rowley and Amblert. You have heard the groſs imputation that has been thrown on both your characters in this proſecution, by that witneſs Graham: as I am determined that ſhe ſhall have a trial by a Jury of her country for perjury, I will order her to be committed for that purpoſe: let Mary Graham be committed to Newgate.

Court to Priſoner. You have been convicted of a crime of very conſiderable enormity, but the attempt you have made to cover that crime which the jury have conceived by their verdict to be perjury, and in which I am far from diſagreeing with them, is a great aggravation of your offence, and though the Court would have ſentenced you generally to be tranſported for ſeven years, yet now in conſequence of ſuch aggravation, your ſentence is to be tranſported for ſeven years to Africa.

Mary Graham. What I have ſaid is every word true.

Court to Priſoner. You are very much indebted to the direction of your counſel, in declining to examine that witneſs, his good ſenſe felt what would be the conſequence of her examination.

Tried by the London Jury before Mr. RECORDER.

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705. DOROTHY WILKIE and CATHERINE KNOCK were indicted for feloniouſly ſtealing, on the 16th of May laſt, one linen ſhirt, value 2s. a cotton waiſtcoat, value 1s. a linen ſheet, value 4s. a linen apron, value 6d. a ſmoothing iron, value 3d. a handkerchief, value 4d. two caps value 2s. and one woollen blanket, value 1s. the property of John Wilkie.

JOHN WILKIE *ſworn.*

The priſoners were journey women to my wife, ſhe is a quilter, one lodged in the houſe and the other did not; on Whitſun Monday in the morning, me and my wife went out, and left the two priſoners in the houſe, they promiſed they would not depart the place till we returned, we came back about half after nine at night, when we returned we found the houſe door locked, ſo my wife thought there was ſomething wrong going forwards; ſhe called

out ſhe was robbed, I got in at my window with the help of a neighbour, and I went to the cheſt where the things were, when I opened it I found a gown gone, there were ſome things left in the cheſt, they had not cleared it intirely, I went to the chamber door to get into the ſtair caſe, and I found the lock was wrenched back from the haſp, as I was coming down ſtairs the priſoner came, the priſoner Knock had the key, my wife put them up ſtairs before her, and I believe there was a gown of my wife's upon the priſoner Knock at that time, ſhe made her put off that up ſtairs.

Was ſhe drunk or ſober?——Why, ſhe was, as the ſaying is, between both, ſhe was in liquor, not very much nor very little, ſhe had the appearance of having drank.

How was the other?——I do not think ſhe was any ways touched in liquor that I could ſee indeed, then I went for a conſtable, and had them to the watch-houſe, they were all amazed, they owned their guilt.

In what terms did they own it?—They ſaid, they were ſorry for it, and wiſhed I would be favourable to them.

Sorry for what?——For what they had done, Knock had dreſſed herſelf up in my wife's cloaths, and went up to Whitechapel, and there ſhe got herſelf into trouble, and ſhe ſent Mrs. Wilkie to pawn the gown, ſhe ſaid ſhe only dreſſed herſelf in them to go out; we loſt the things mentioned in the indictment; at the Rotation office they owned taking the other things, there was no promiſe of favour made them, they owned it voluntarily; they ſaid, they had been carrying out things for a fortnight before, the very ſame time I went to church to marry my wife, they carried things out, and pawned them, ſome of the things were found at Mr. Rolfe's the pawnbroker's.

THOMAS ROLFE *ſworn.*

I produce a ſilk handkerchief, two caps, and one coloured apron, the handkerchief and two caps were pledged on the 14th of May by the priſoner Dorothy Wilkie; the coloured apron the 16th, but I do not recollect I took that in.

(The things depoſed to by Mary Wilkie.)

Mrs. Wilkie. I made the caps myſelf, and the lace I bought a whole piece of it.

ELIZABETH CARPENTER *ſworn.*

On Eaſter Monday the 16th of May, the two priſoners came to my houſe, the priſoner Knock did then lodge with me, ſhe had been abſent a fortnight, I demanded the key of my room, and ſhe gave it me with much difficulty, I then deſired to have ſomething for my money, and I ſent up the maid to ſee if my ſheets were ſafe, and the maid went up and brought down theſe ſheets in the ſtead. *(The ſheets depoſed to by Mrs. Wilkie.)* When they were brought to the Rotation office they were dirty, and there were marks by which I knew them.

LUCY JONES *ſworn.*

I was looking out at the window, and I ſaw the priſoner Knock go in at the proſecutor's window in the evening, the proſecutor and his wife came home between nine and ten, I did not ſee her go out again, I did not know but ſhe might lodge there.

MARK FOCAULT *ſworn.*

I am a next door neighbour to the proſecutor, and about half after eight or rather more the priſoner Knock came to me, ſhe had a young child, ſhe ſaid, Sir, I will be obliged to you to lend me a ſmall ladder, to give my child ſome victuals, and to put it to bed, I knew ſhe lodged there; out of humanity to the child I lent her a ladder, ſhe wanted me to go in but I would not, but I followed her up the ladder to keep her from falling, and ſhe went in, and went down to the ſtreet door to open the ſtreet door, but ſhe could not; in a quarter of an hour a man that lodged in the houſe, one Waters, came with the key, and ſaid, how the hell came you here, ſhe ſaid, what is that to you, you ſee I am here, with

that I went up ſtairs, and in about a quarter of an hour, Waters and ſhe went up together, it then wanted about a quarter to nine, a little after that the proſecutor and his wife came home, and he came and aſked me, and I told him, he deſired me to lend him the ſame ladder to get in too, and I did ſo; and I went in firſt with him, and we found the room door wrenched open, and we went down to the ſtreet door, and the priſoner Wilkie came with the key, and the other came and they were committed.

PRISONER WILKIE's DEFENCE.

Before the proſecutor was married, this woman Mrs. Knock, brought ſome things to Mrs. Wilkie, and ſhe deſired me to pawn them, and I was ſo fooliſh to do it, and this woman that lodged in the houſe Mrs. Knock put on a gown of Mrs. Wilkie's, which ſhe ſaid Mrs. Wilkie had lent her, the man forced me down ſtairs, and made me go out and ſet down at the door; the handkerchief and two caps that I pledged at Rolfe's were brought me by Mrs. Knocks, and ſhe told me that Mrs. Wilkie had ſent her to me to pawn them for her.

Court to Proſecutor. Was the priſoner Dorothy Wilkie, ſitting at the door when you came home?——I did not ſee her for ſometime.

Did you ſee her before Knock came with the key?—No.

Are you ſure of that?—Yes.

Court to Focault. Did you ſee her?—— I did not ſee her there when they came, I ſaw her ſtanding at the door by ſomebody and then ſhe moved into an entry, and ſtood upon a ſtep, ſhe ſeemed to be waiting till they came home, and ſhe ſaid, ſhe would not ſtir from the door till they did come home.

PRISONER KNOCK's DEFENCE.

I waſhed for Mr. Wilkie laſt ſummer, when I went into the country, I came to town again the month before May; and Mr. Wilkie came, and ſaid, he had a job for me to do, he brought me a ſhirt to mend, ſhe told me I might come and live with her, and ſhe told me I might take anything of her's and put them out for a trifle, and ſhe let me wear her own clothes, and when ſhe gets drunk ſhe cares nothing about it.

Mary Wilkie. I never gave her leave to pawn anything in my life.

The priſoner Knock called one witneſs to his character.

BOTH NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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706. GEORGE STEPHENS was indicted for feloniouſly ſtealing, on the 4th day of June, ſixteen yards of black ſilk ribbon, value 10s. the property of Thomas Hatterſley.

THOMAS HATTERSLEY *ſworn.*

On Saturday the 4th of June in the evening about ſix, there were ſixteen yards of black ribbon ſtolen from my ſhop, I was at home, but did not ſee it taken, nor miſs it till it was brought to me.

JOHN DIXON *ſworn.*

On the 4th of June, as Lucas and I were ſtanding in Holborn, talking about ſome buſineſs, three men paſſed us between five and ſix; as ſoon as the priſoner paſſed us he croſſed the way, Lucas ſaid, that fellow has got ſomething, I went through a court and overtook him in St. Giles's, and Lucas held him, and I pulled this piece of ribbon out of his pocket, and the proſecutor owned it.

—— LUCAS *ſworn.*

I was with Dixon at this time, and I ſaw what he has ſaid.

(The ribbon produced.)

Proſecutor. I know the ribbon, it has no mark but the figure of twenty, one of my young men had been uſing it twenty minutes before, I know it by the quality of the

the ribbon, and by miſſing a quantity that correſponds with it, I cannot recollect any other mark but twenty, that was the meaſure of the ribbon.

Court. Had the priſoner been in your ſhop that day?—I think not.

PRISONER's DEFENCE.

On the day of this unfortunate affair, I met a young man who was going to buy ſome hair ribbon, when he returned he gave it me, and theſe men came up and ſaid, I ſtole it.

The priſoner called five witneſſes who gave him a good character.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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707. GEORGE BAILLIE was ſet to the bar, and the indictment againſt him ordered to be quaſhed, and he remained till the next Seſſion.

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708. JOSEPH PARKER was indicted for that he, on the on the 4th day of April laſt, was a ſervant to one Patrick Leeſon, Eſq; and not an apprentice, or a perſon within the age of eighteen years; and that the ſaid Patrick Leeſon did then and there deliver to him on confidence and truſt, one ſilver watch, value 20s. two gold ſeals, value 20s. nine handkerchiefs, value 18s. a red morocco pocket book with a ſilver lock and claſp, value 5s. one pair of knee buckles, value 3s. ſix pair of ſtockings, value 30s. two pair of ſilk and cotton ſtockings, value 5s. one pair of cotton ſtockings, value 1s. one box value 6d. two waiſtcoats, value 10s. twenty ſmall pieces of wire to hold buttons on, value 1s. five metal coat buttons, value 6d. one livery drab cloth coat, value 20s. one other drab coat with metal buttons, value 20s. one ſilver laced hat, value 3s. one flowered ſword knot, volue 1s. and one piece of ſilk ribbon, value 1s. his property, ſafely to keep the ſame goods and chattles to the uſe of the ſaid Patrick Leeſon, and that he afterwards, to wit, on the 28th day of May, with force and arms, at Weſtminſter, did withdraw himſelf from his ſaid maſter Patrick Leeſon, and feloniouſly did go away with the ſaid goods, with intent to defraud him of the ſame, to his great damage, and againſt the ſtatute.

Mr. Fielding, Councel for the Proſecution, informed the Court that they gave up the proſecution, as it could not be ſupported; and ſaid, it was only that very moment that the proſecutor was appriſed of his opinion.

The Priſoner's Councel applied for a copy of the indictment, which was refuſed by the Court.

NOT GUILTY.

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709. JOHN HENRY AICKLES was indicted for feloniouſly returning from tranſportation, and being found at large without any lawful cauſe, before the expiration of the term of ſeven years, for which he was ſo tranſported.

Mr. Silveſter. My Lord, in this caſe the ſentence is not ſet forth in the indictment, the offence is being at large, after having received the King's pardon, on condition of tranſporting himſelf; I move to quaſh the indictment.

Court. It is ſufficient to effect the priſoner that he had received ſentence of tranſportation, and was found at large; the condition is broken.

Mr. Garrow. My Lord, I am for the priſoner, and the proſecutor now exerciſing his judgment on the caſe, ſays his evidence will not meet his caſe; theſe ſort of applications are not favourable to priſoners, there is nothing bad on the face of the indictment; your Lordſhip ſees that this defendent has pleaded; and what is the error on the face of the record; it ſtates the conviction, it ſtates the ſentence, and the breach of

of that ſentence; but it is not true in point of fact, becauſe that ſentence was altered by the King's pardon, but your Lordſhip do not know that in a judicial way.

Court. What is the end of your objection?

Mr. Garrow. Why my Lord, that this poor devil may be remanded to his former ſentence, inſtead of being hanged; and that he may be acquitted on the defect of the fact applying to this indictment: he is indicted now becauſe he has been at large after the judgment of tranſportation paſſed in this court; when that is diſpoſed of, the other is a quite different offence; whether he has been guilty of the breach of the King's pardon or not.

Court. He muſt be acquitted on this indictment, and remanded till the next ſeſſions.

NOT GUILTY.

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710. ROBERT MOUNTAIN and ANTHONY MATTHEWS were indicted for feloniouſly ſtealing on the 23d day of May laſt, one wooden trunk covered with leather, value 2s. one iron lock, value 2d. eight ſheets, value 8s. ſix aprons, value 4s. one handkerchief, value 1d. one other handkerchief, value 4d. one cap, value 1d. one piſtol, value 4s. the property of James Poole.

BRIDGET POOLE *ſworn.*

I hired the two priſoners to carry ſome things from Cock-hill, Ratcliff, to No. 15, in Farmer-ſtreet, Shadwell; I do not know the day; I believe it was a month laſt Monday; they were to carry a trunk and two bags, and in one of the bags was a piſtol; the other trunk had my linen. My huſband had been ſix or ſeven voyages to the Eaſt Indies; they did not deliver the things, and in one of their breeches were found two old handkerchiefs, and an old cap.

DENNIS CRANEY *ſworn.*

I apprehended Matthews at a public houſe in Ratcliff-highway, the 26th of May, and this cap, and theſe two handkerchiefs were in his breeches; I ſaw them taken from him; he ſaid he bought them of an old-clothes-man, there was an old-clothes-man at the window at the time.

ESTHER FREEMAN *ſworn.*

I packed up theſe things in a trunk for the proſecutrix.

HANNAH JOHNSON *ſworn.*

I live at No. 15, in Farmer-ſtreet, the priſoners came and delivered two bags to me.

(The things depoſed to.)

PRISONER MOUNTAIN'S DEFENCE.

I know nothing of the trunk.

ANTHONY MATTHEWS, GUILTY.

Privately whipped.

ROBERT MOUNTAIN, GUILTY.

To be whipped, and impriſoned ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

N. B. On this day which was the 5th of the ſeſſion, John Hooker ſerved on the 1ſt Middleſex Jury, in the room of Edward Orgill.

The next, and laſt Number of this Seſſions will be publiſhed in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 29th of JUNE, 1785, and the following Days;
Being the SIXTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

711. JOHN WELCH and JOHN ELLISON were indicted for feloniouſly ſtealing on the 6th day of June, 180lb. weight of lead, value 20s. belonging to Abraham Adams, fixed to a certain building of his, againſt the ſtatute.

One of the witneſſes depoſing that this building belonged to one Jonathan Mann, the priſoners were

BOTH ACQUITTED.

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712. DANIEL MACKANEY was indicted for feloniouſly ſtealing on the 13th day of May laſt, one linen handkerchief, value 10d. the property of a perſon unknown.

ISAAC BACHARAH *ſworn.*

I ſaw the priſoner and two more joſtling ſeveral gentlemen on the day the balloon went off; I ſaw the priſoner go over to a gentleman, and take the handkerchief out of his pocket, and put it in a leather apron, and the gentleman was joſtled away; I am ſure the priſoner was the perſon.

Priſoner. Did not you ſee me pick up the handkerchief?——No, I ſaw him take it out of a gentleman's coat, I gave the handkerchief to Mr. Gunſton.

RICHARD TILCOCK *ſworn.*

I produce the handkerchief given to me by Mr. Gunſton; this is the handkerchief.

PRISONER's DEFENCE.

I went to ſee the air balloon, I was going along, there was a great mob, and I picked up this handkerchief under a barrow, and the gentleman ſaw me if he was to ſpeak the truth; he came directly and took me.

Jury. What is the boy?——*Priſoner's Mother.* He is a child's pump-maker, he is not an apprentice, he works for Mr. John Dunſtan in Golden-lane.

GUILTY.

Priſoner's Mother. My Lord, for Chriſt's ſake let me ſpeak a word.

Court. Take care, for the boy's ſake and your own, not to ſwear what is falſe.

PRISONER's MOTHER *ſworn.*

The firſt time this Bacharah came to my houſe, I have ſeen him before, becauſe Mr. Butts heard this man ſay, if I would make him a preſent, he would not hurt the boy, he came to me before I applied to him; and when he came he told me, that the allowance of the Court would be fifteen ſhillings, or a guinea; I told him it was not in my

power

power to give ſo much; and he told me the leaſt he could take was half a guinea: I had but five ſhillings, and the five ſhillings I gave him; well, then, he ſaid, I will take it as you can give it me; I gave him the five ſhillings, and he came to me laſt Thurſday was a fortnight, ſays he, I have been to Hicks's-Hall, and I have been buying a bedſtead, ſays he, I am to give fifteen ſhillings, and have got but twelve; I ſaid you may have three ſhillings more of the money if you have a mind, and I gave him three ſhillings more; ſays I, I have not the money now, but if you will call again in an hour's time, I can get the money, and he called again; and laſt Thurſday as ever was, he came and had the other half crown; I have a woman by that is a witneſs of it.

Court to Bacharah. Is this true?——It is as falſe as God is true.

Did you ever receive any thing from her?——I never received a farthing from her to abandon this proſecution.

Did you receive any ſum from her on any account?——*I did not.*

Upon the oath you have taken you never received a farthing of that woman?——*I never received a farthing of the woman in my life.*

A WITNESS *ſworn.*

I know no otherwiſe than I have ſeen this man three or four times, and he came in to the priſoner's mother's on Friday laſt, and ſaid I wiſh you would let me have that money, and ſhe went and gave him two ſhillings and ſixpence; he ſaid ſhe had no occaſion to make herſelf uneaſy at all about it.

What are you?——My huſband is a jeweller, a lodger, I live on Saffron-hill.

How long have you lived there?——A good while, about four months.

Was it a half crown piece?——It was two ſhillings and ſix-pence.

Priſoner's Mother. My Lord, yeſterday morning this Bacharah came to me, and ſaid, ſo I find you have told the conſtable that you have given me half-a-guinea; how could you be ſo good for nothing woman; but ſay he you have no occaſion to bring anybody to his character, for ſo long as I bring the boy off, what is that to you.

Tilcock. My Lord, ſhe told me ſhe gave him ten ſhillings and ſix-pence.

Court. Let Iſaac Bacharah be committed to Newgate, and you muſt proſecute him for compounding felony: it is a groſs miſdemeanor.

Bacharah. My Lord, I hope you will ſend me to Woodſtreet Compter, I ſhall be killed by the priſoners in Newgate, they do not like me.

Court. Then let him be committed to the Compter.

Court to Priſoner. The Court would have paſſed the ſentence of tranſportation upon you for ſeven years, but in conſideration of what has paſſed ſince your conviction, the conduct of that witneſs Bacharah having thrown very great diſcredit on his evidence, the ſentence of the Court is, that you be

Privately whipped and diſcharged.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

When ſentence was paſſed, Iſaac Bacharah was ſet to the bar, and thus addreſſed by the Recorder:

Iſaah Bacharah, your conduct was ſuch in the evidence you gave on the trial of Daniel Mackaney, as juſtly to incur the cenſure and indignation both of the Court and Jury; there appeared very great reaſon to ſuſpect that you were guilty at leaſt of the crime of compounding felony, if not of the greater crime of perjury; however, as you expreſſed at the time a ſenſe of the fault that you had committed, the Court will diſmiſs you at preſent with a reprimand, hoping this narrow eſcape will be a warning to you, and that you will never again preſume to enter a Court of Juſtice, but with the pureſt motives of public juſtice, and the ſtricteſt regard to truth in the whole of your future deportment.

713. RICHARD KAYNE was indicted for feloniously ſtealing, on the 12th day of June, one man's cloth great coat, value 7s. and one cloth ſurtoot coat, value 13s. the property of Francis Flaxmoor.

FRANCIS FLAXMOOR *ſworn.*

I am a hackney coachman, I loſt my property in Houndſditch, the 12th of June, on a Sunday; I was getting off my box, I rang at a bell, and the box coat and a ſurtoot coat were both on the box, I miſſed them, and took the priſoner with the coats on his arm, he begged me to let him go, he ſaid, he picked them up in the ſtreet, I am ſure I left them on the box when I got off, they are my property.

PRISONER's DEFENCE.

I picked them up in Houndſditch, in the road near to a coach, ſays I, to myſelf, they are two coats, I walked on and heard him call ſtop! ſtop! and I immediately turned towards him, and walked two or three paces, he ſaid they are my coats, I ſaid very likely, they are not mine.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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714. THOMAS CLEAVER was indict for feloniouſly ſtealing, on the 26th day of May laſt, 6lb. weight of raiſins, value 2s. the property of John Butler.

The proſecutor was called, and not appearing the priſoner was

ACQUITTED.

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715. MICHAEL REGER otherwiſe RACHER was indicted for feloniouſly ſtealing, on the 17th day of May laſt, 90lb. weight of lead, value 10s. belonging to the Mayor and Commonalty and Citizens of the City of London, then and there affixed to a certain dwelling houſe of William Mooriſh, againſt the ſtatute.

(The Caſe was opened by Mr. James.)

RICHARD LONGFORD *ſworn.*

I live in Hart-row-ſtreet, ſome call it Newgate-ſtreet; between three and four on Whit Tueſday, the 17th of May in the morning, I heard a great noiſe on the top of my daughter's houſe, I lay there, my daughter lived in the houſe, her name is Alice Mooriſh, the wife of William Mooriſh, he keeps this houſe, it is let to him by leaſe: and I called up a young man named Jenkinſon, he jumped out of bed directly, and ran up ſtairs, I did not go with him, but I dreſſed myſelf as faſt as I could, and I went and called the conſtable out of Cock-lane: I believe the priſoner is a cooper: the conſtable came, and we went into the priſoner's houſe, and I obſerved a bag and a barrow: the priſoner opened the door, and the bag was within the door, and there was ſuch lead as is on houſes cut in different pieces, by the bag there was a great deal more of lead lay that was cut to pieces, which was behind a ſhutter or board in the ſhop, and there was an adze; I told the priſoner he had been to the top of the houſe, and I do not know what anſwer he gave to the conſtable, he ſeemed quite confounded.

Court. The lead you ſay was cut in pieces?—Yes.

What, in regular pieces?—I cannot ſay, I went up to ſee what lead was miſſing, I think there was a matter of a hundred weight of it taken that morning more than we miſſed before.

Priſoner. Pray, Sir, did you ſee my face when I was upon the lead?—I did not ſee your face taking any away.

WILLIAM JENKINSON *ſworn.*

I was at Mr. Mooriſh's houſe the 17th of May, I was called up between three and five, by Mr. Longford, I ran up ſtairs

in my ſhirt, and obſerved the priſoner with a bit of lead in his hand, and I ſaw him take it acroſs the leads towards his own houſe, and he came back and put ſome dirt where the lead had been taken from; he was then upon Mr. Mooriſh's houſe, I obſerved the top of the houſe, the lead had been taken from off the place recently, it was taken off that morning, I was up the night before to ſee if I could ſee anybody, becauſe we had miſſed ſome before, that was between twelve and one, and it was not off then: there were eighty or ninety pounds weight of lead miſſing the next morning as I imagine, I did not weigh it, I was preſent when the conſtable came, and we went to the priſoner's houſe, he was there, and I obſerved in his houſe a bag of lead, containing about eighty or ninety pounds, and there was a door, and when I laid hold of it down tumbled a parcel of lead, ſome appeared as if newly cut, they were pieces of different ſizes, there was a cooper's adze by the bag: the priſoner ſaid, he was then moving of his own things, ſometime had elapſed, near upon an hour, it was about four when I was firſt called up to go to the top of the houſe; I went up afterwards, and meaſured three pieces that were in the priſoner's houſe, and they matched with the places exactly, but we could not match more than three pieces; the three pieces of lead I found in the priſoner's houſe, were exactly of the ſame ſort and ſize with thoſe taken from Mr. Mooriſh's houſe, the lead that was in the bag was beat up, I could not tell for certain what it was beat up with, it was cut a little bit, and then torn, it was folded, we were forced to unfold it, but we did not uſe any inſtrument in unfolding it.

Priſoner. Can you ſwear to any particular mark in my face?——No, I cannot, but I ſwear to his perſon altogether, he is dreſſed different.

Jury. What parted the two houſes at top?——A bit of a wall, about five or ſix feet.

Was there any part where you could walk ſtraight on, without getting over?—No.

Could a man with tolerable eaſe get over that wall?—Yes.

Are there any ſteps or any thing that could aſſiſt a man?—Only the brick work, the houſe where the priſoner was, was an empty houſe, there was no place for any perſon to ſleep in, I am ſure of that, I obſerved nothing but ſtraw and tubs.

SAMUEL ROBERTS *ſworn.*

I am a conſtable, at a quarter before five in the morning, I was called by Mr. Longford, I went with him, and waited outſide the priſoner's door half an hour, I heard a hammering, but what it was I could not tell, the noiſe was in his own ſhop, cloſe to the door; we waited, and the priſoner opened the door, I ſaid, halloo! what do you do here, and I deſired Mr. Jenkinſon to mind the door while I looked about, I ſaw a cupboard door placed cloſe underneath the window, and under that there were ſeveral pieces of lead, and I ſaw this adze juſt over the lead in the window, the priſoner ſeemed very much confuſed, and did not give me an anſwer; we ſearched all the houſe, but found no other tools: there was a wheel-barrow, and a few ſtaves in his own buſineſs, I aſked the priſoner how he could be guilty of anything of that ſort, he ſaid he had laid out a good deal of money on the houſe, he ſaid nothing elſe, I made no promiſe to him; I went up to the top of the houſe to ſee which way he got out, and I went out, and could get on Mr. Mooriſh's houſe, as eaſy as I can go down theſe ſteps; there is a gutter that goes from the priſoner's houſe to Mr. Mooriſh's houſe, his trap door was open; there was a great deal of lead miſſing, and I afterwards examined the lead with the places they came from, at the top of Mr. Mooriſh's houſe, and theſe three pieces tallied exactly, they came from the middle; I cannot ſay whether theſe three pieces were in the bag, but there was ſome of the lead taken upon the priſoner; theſe pieces were folded together

all of them, I beat it out at my own ſhop, and then took it out flat, but when I meaſured it, I trod it down with my feet, I only ſmoothed the others.

Jury. Was the ſituation of the roof ſuch that a perſon not being very converſant with the two houſes, could ſuppoſe himſelf to be on one houſe, when he was actually on the other?——He could not, there is a gutter between the two roofs firſt, and then there is a gutter adjoining to the wall, the wall is between three and four feet.

Is the roof of the houſe he lived in leaded?——No, it is not, only the gutter and the trap door at the top of it, and not leaded.

Does the houſe he lives in and that from which the lead was taking join in any part?—No.

JOHN GARNON *ſworn.*

I am one of the City collectors, theſe houſes of the priſoner and Mooriſh's are the property of the City, I collect the rents, William Mooriſh was tenant at will.

Court. How long has Mr. Mooriſh had this houſe?—A little better than a twelvemonth, Mooriſh was tenant the 17th of May, I have received rent ſince that time.

PRISONER's DEFENCE.

My Lord, I live in the houſe, it was rather out of repair, I moved out of it, I had ſome lodgers, and I told them to quit it as ſoon as poſſible; theſe people had nowhere to go to, and I told them, it is not material for a few days, you may ſtay here, they ſent word they would quit the place on Monday, and I waited, and waited, and on Tueſday morning when I was taken, I came for the key, I knocked at the door and I could not make them hear, and a boy came running down ſtairs, ſays he I have been up ſtairs, ſeeing what it was o'clock, and I ſent him to tell his father, I muſt have the key; when he was gone, I looked about, and packed up my things, and I went and opened the door to give a little light, and refreſhment; and the proſecutor came up, and ſaid, you are my priſoner, and it ſtruck me ſo, I did not know what to do.

Jury. How did you ſee to pack up your things?——There was a ſky light, and a ſufficient light over the door, and the windows gave light enough.

The priſoner called three witneſſes who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. RECORDER.

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716. THOMAS HANVY was indicted for feloniouſly ſtealing, on the 26th day of May, a piece of caſt iron called a half hundred weight, value 4s. the property of our Lord the King.

JOHN SWIFLEN *ſworn.*

I am conſtable of Biſhopſgate Ward, on the 26th of May, I was going to Lovelane, oppoſite to Biſhopſgate, about half after eleven in the morning; and I ſaw the priſoner with ſomething in his apron that he had on; I took the weight from him, he had it in his apron.

(Produced and depoſed to.)

Jury. Did you ever ſee him frequent the Keys?—No, I know the man.

Is he any buſineſs?——I have ſeen him blacking ſhoes at the monument, and ſelling fruit; I know him very well.

Jury. Theſe weights are brought from the maker's in a cheſt?——Yes.

PRISONER's DEFENCE.

I ſell ſaloop for my living, and clean ſhoes, I have been a ginger-bread baker; and near Tower ditch I found this weight, having occaſion to ſtop; I came along through Thames-ſtreet and they took me

there were two ſailors preſent, but they are gone on board.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

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717. ANN JOHNSON was indicted for feloniouſly ſtealing on the 24th of June, one ſilver watch, value 40s. a ſteel chain, value 6d. a key, value 1d. a pair of ſilver ſhoe buckles, value 40s. a pair of knee buckles, value 6s. the property of Philip Lebart.

PHILIP LEBART *ſworn.*

(The proſecutor being a foreigner from Liſle in French Flanders, an interpreter was ſworn.) I do not know when I loſt my watch or my buckles, but my motive for believing that the priſoner is really guilty of the charge is this, that ſhe introduced me into a public houſe.

When was that?——Friday ſe'nnight.

What time of the day or night?—It was about half paſt midnight when ſhe introduced me.

How long did you ſtay with her there?—I cannot tell.

Was you in liquor?——I was already in liquor when I went there, then I plainly recollect that I did drink a glaſs of beer, but whether I drank more I do not know; and I believe I did ſleep there; I found myſelf in the watch-houſe; I am poſitive I had my watch when I went in with her, I beg leave to obſerve, that I perfectly recollect the girl in the watch-houſe, ſhe was there with when I firſt found myſelf there, we were both taken to the watch-houſe together.

Was ſhe ſearched?——I am not ſure, I was very much in liquor.

WILLIAM BUTLER *ſworn.*

I am one of the watchmen of the liberty of the City Rules, I was going my rounds at three o'clock, I ſaw this gentleman lay at the Sun tavern door, upon the ſteps in Shire-lane, very much in liquor, and the priſoner was within two or three yards of him, and as ſoon as I came up ſhe turned away through Temple-bar; I found the proſecutor robbed of his ſhoe and knee-buckles; I had a ſtrong ſuſpicion that ſhe muſt have robbed him, there was nobody elſe near him; I went immediately and fetched her back again, and aſked her if ſhe knew the gentleman, ſhe ſaid yes, ſhe had been with him the beſt part of the night; I am ſure ſhe is the ſame woman, though I loſt ſight of her; I aſked her if ſhe knew any thing of his buckles, ſhe ſaid ſhe did not; I then ſtirred the gentleman up, and the very firſt word he ſaid was you damned bitch, you have robbed me of my watch, my money, and my buckles, and he ſtruck her; ſhe ſaid ſhe knew nothing of it; then I brought them both to the watch-houſe, and he was very inveterate againſt her all the way, he ſtruck her, and I kept him off as well as I could.

When he firſt ſpoke was he in a condition to know and diſtinguiſh one perſon from another?——I do not think he was; I brought her to the watch-houſe.

JOHN GUY *ſworn.*

I am the beadle, I was at the watch-houſe when theſe two people were brought in, I ſearched her, when ſhe was firſt brought into the watch-houſe ſhe dropt one of the knee-buckles, I took it up, then ſhe gave me the other out of her hand, then I took her into a room that we had at the conſtable's. I examined her and I found theſe ſhoe-buckles in her pocket, and I found this watch under her arm-pit, ſhe begged for favour and went down on her knees, and I ſent her to New Priſon that night.

Court to Proſecutor. How long have you had your watch?—Seven years; I do not know the name of the maker, I knew it by the ſeal, part being broke in two places and part of the chain broke.

PRISONER's DEFENCE.

I am an unfortunate woman, I met the gentleman, he aſked me to go with him, he was very much in liquor; he went and drank with me, he paid for the liquor, he ſaid he had no money but he would give me his property to take care of till morning; when we came out the gentleman ſet down at the door; the watchman lives where unfortunate women of the town live, and keeps rooms to let to women of the town, and I do not lodge with him, and he has a ſpite againſt me.

Butler. The priſoner denied having any of the property when I firſt ſpoke to her.

Where do you live?——The ſign of the Sun, Drury-lane, corner of Brownlow-ſtreet.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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718. MARGARET WOOD was indicted for feloniouſly ſtealing on the 18th day of June, four waiſtcoat pieces made of ſilk and cotton, value 20s. two worſted waiſtcoat pieces, value 6s. two callico ſhawls, value 19s. half a muſlin ſhawl, value 8s. 6d. one dimity waiſtcoat, value 9s. a piece of nankeen, value 7s. 6d. fifteen worked muſlin handkerchiefs, value 37s. one worked muſlin handkerchief, value 2s. the property of Nathaniel Scarlet.

NATHANIEL SCARLET *ſworn.*

I live at No. 86, Biſhopſgate-ſtreet without, on Saturday the 18th of June, about ten in the morning, a cuſtomer came in and bought ſome goods, and there were a quantity of goods that lay on the counter for his inſpection, after he went out, the goods were left on the counter, and me and my wife returned into the parlour to recaſt what we had been doing; I went into the yard, as ſoon as I came out I found a young lady in the ſhop, who ſaid, your wife is gone after ſomebody, I followed and met my wife with ſome goods, and the priſoner was given to me by Mr. Anthony Shady, I brought the priſoner home, and after ſhe had got into the parlour, ſhe ſaid ſomebody had offered her ſixpence to take theſe goods out of the ſhop, and to carry them to her in Skinner-ſtreet; I do not know that I had ſpoke to her before ſhe made that application to me.

ELIZABETH SCARLET *ſworn.*

I am wife of the laſt witneſs, I ſaw the priſoner go out of my ſhop; I aſked her what ſhe wanted, I bid her ſtop, as ſoon as ſhe heard me ſpeak ſhe ran out, I purſued her and left another girl in the ſhop that came in with her; I purſued her into Skinner-ſtreet, and as ſhe ran, I ſaw the things drop; I am ſure ſhe dropped them; they were the things mentioned in the indictment; I did not ſee her take them; I did not miſs them till I ſaw them drop; I do not know what became of the other girl, I immediately went after this, and left the other in the ſhop, and what ſhe took I do not know.

(The things depoſed to.)

WALTER PROSSER *ſworn.*

I am a conſtable, theſe things were given to me, I have had the care of them ever ſince.

PRISONER's DEFENCE.

I was going along Biſhopſgate-ſtreet, and a young woman came out of the ſhop, and aſked me to carry a bundle for her, and ſhe would give me ſix-pence, ſhe ſaid I muſt go to Skinner-ſtreet, and ſhe gave me the bundle, and bid me make haſte with it; I never ſaw her before in my life.

The priſoner called four witneſſes who all gave her a good character.

GUILTY.

She

She was recommended by the Profecutor and Jury, being only thirteen years of age.

Court to Prifoner. In conſideration of your good character, and the recommendation of the Profecutor and the Jury, it is the deſire of the Court that I ſhould paſs a ſmall fine upon you for ſo large an offence, and that is, that you be confined one month in Newgate, and then diſcharged.

Tried by the London Jury before Mr. ROSE.

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719. THOMAS WHITE was indicted for feloniouſly ſtealing on the 29th of June, one linen handkerchief, value 6d. the property of Peter Macpherſon.

PETER MACPHERSON.

Court. How old are you?——I am turned of fourteen.

Do you know the nature of an oath?—No.

Not at all?——No.

Do you know what will become of you if you take a falſe oath?—Go to hell.

Taking a falſe oath and telling a ſtory are very bad crimes?——Yes.

PETER MACPHERSON *ſworn.*

On Wedneſday the 29th of June I loſt my handkerchief, in Beach-lane; I went to the Artillery-Ground, to ſee ſome firing at a mark, and the reſt of the company that had been there ſtopped in Beach-lane; I know I had a handkerchief when I went into Beach-lane, and I ſaw it afterwards in the conſtable's hands in Grub-ſtreet.

(Depoſed to.)

Was anybody elſe near you beſides the priſoner?——Yes, this young man, John Deeves.

JOHN DEEVES *ſworn.*

I am a gentleman's ſervant out of place, I lived with one Mr. Prior, in Surry, at Carehauton; I was going through Long-lane, on Wedneſday night, when the company were coming from the Artillery-Ground; the priſoner was going along, and he dropped a pocket book from under his arm, I picked it up, and gave it to him again, and going down Barbican I ſaw him take this handkerchief out of his pocket.

Profecutor. Deeves gave me a handkerchief, and I took it to the conſtable.

JOHN SANDERSON *ſworn.*

I am a conſtable, I produce this handkerchief, which was given to me by another young man that was along with this youth.

PRISONER's DEFENCE.

I was coming from my labouring work, and I ſaw a crowd; I was very much in liquor, and I followed them; there were three or four boys ſtanding by, and the men came and took me.

GUILTY.

Tranſported for ſeven years.

Tried by the London Jury before Mr. ROSE.

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720. JAMES DUNLOP was indicted for feloniouſly ſtealing on the 3d of June, two pounds and an half weight of cotton, value 3s. the property of Thomas Hunter.

THOMAS HUNTER *ſworn.*

I am a merchant's watchman upon the keys.

You are a ſervant?——I am paid yearly, I am accountable for anything that is loſt.

Do you pay for everything that is loſt as merchant's watchman?——We do not always, ſometimes the merchants are favourable; but I have paid a great deal for loſſes, and laſt year I paid 160l.

Is it a part of your contract with your maſter, that you ſhould pay?—Certainly it is. *(The cotton produced.)* I did not ſee the cotton taken, it is impoſſible for me to ſwear to it; but it was taken from the bags under my charge.

WILLIAM WELLS *ſworn.*

I am the conſtable on the keys; I was upon Ralph's key, and I heard the cry of ſtop thief; I immediately went out from the tobacco work, and I ſaw the priſoner in Thames-ſtreet, I followed him near to Water-lane, there he was ſtopped and ſearched; I did not ſee him take anything.

NOT GUILTY.

Tried by the London Jury before Mr. ROSE.

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721. JOHN ROPER was indicted for feloniouſly ſtealing on the 1ſt of June, one pound and a half weight of cotton, value 2s. the property of Thomas Hunter.

Court to William Wells. Did you ſee the priſoner take this from any place?—Yes, I ſaw him take this out from a bag from Ralph's key, I caught him ſitting on the bag, I immediately ſearched him, I found it round his body; I was cloſe to the landing place; there were ſeveral more bags there.

Court to Proſecutor. Have you the care of the cottons that were at Ralph's key?——Yes.

Was there any cotton there that was not under your care?——No.

PRISONER's DEFENCE.

I went down upon the keys to look for work, and I was rather ſtarved with hunger, and ſeeing plenty of cotton, and ſeeing people run away with it, I went and took it.

What is the value of it?——Fifteen pence.

GUILTY.

Recommended by the Jury to be whipped.

Tried by the London Jury before Mr. ROSE.

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722. THOMAS WILLIAMS was indicted for feloniouſly ſtealing, on the 6th of June, two pounds weight of American tobacco, value 3s. the property of Thomas Hunter.

SAMUEL WILLIS *ſworn.*

On the 6th of June I caught the priſoner at the cart's tail, between two and three in the afternoon, I caught him pulling the ſtaves open and taking the tobacco out of a hogſhead, he was doing it with his hands, I ſaw him take this, and he put it under his arm, and he had it under his arm when I took him; he might have about a couple of pounds, as near as I can gueſs, it was leaf tobacco; I ſaid, come my friend, I have had many a run after you, but you have got off; ſays he, I hope you will not hurt me, and I gave him in charge to the Compter; I never loſt ſight of him, I am ſure he is the man, I left the tobacco at my maſter's houſe.

Mr. Hunter. I had the tobacco, there were about ſeventy hogſheads, there were three hogſheads laying on the ground, it is American tobacco; I was there two or three

three times that day, I had the care of all the tobacco that came by this ſhip.

PRISONER's DEFENCE.

I was at work, and this tobacco was laying on the ground, and I ſtooped and was taking it up, and going to put it on the caſk, and this man came and took me; and ſaid I was going to ſteal it.

GUILTY.

Whipped.

Tried by the London Jury before Mr. ROSE.

MISDEMEANORS.

723. MARGARET KNAPTHORP was indicted for that ſhe, on the 11th of May, at the pariſh of St. Mary Magdalen, Milk-ſtreet, did bring in a male baſtard child, out of the pariſh aforeſaid, the ſaid male baſtard child being of the age of four years, and unable to provide for itſelf; by means whereof the ſaid pariſhioners of the ſaid pariſh are obliged to lay out large ſums to maintain the ſaid child.

(*The Caſe opened by Mr. James.*)

THOMAS BATT *ſworn.*

I am beadle of the pariſh of St. Mary Magdalen, Milk-ſtreet, on the 11th of May, I ſaw the child at the church-warden's.

BENJAMIN TAYLOR *ſworn.*

I was not preſent at the finding of this child, but I firſt ſaw it at the end of the court, the corner of my houſe, then it was a quarter after nine in the evening of the 11th of May, our beadle was there.

What did you do in conſequence of ſeeing the child in that ſituation?——I took it into my own houſe that night, and the next day, I ſent it to the workhouſe at Hoxton.

Court to Batt. When did you firſt ſee the child, and where?—At the end of the court, ſome women had got round the child, the child was then juſt by Mr. Taylor's door.

Who were with it?—Some women had gathered about the child, it was crying for its mamma.

Mr. James to Taylor. As you had ſeen the

the child, what did you do to learn to whom it belonged?——I advertized it ſome days after, and in conſequence of ſome information I received, I apprehended the priſoner, and ſhe ſaid, that child was her's, that it was a baſtard child born in the pariſh of St. Giles's, Cripplegate, and that ſhe had applied to the pariſh for ſome relief, and they refuſed it, becauſe ſhe did not belong to that pariſh, and that ſhe brought it to us, becauſe ſhe could not maintain it.

Court. Was any threat or promiſe made to her?——No, not a word, I am ſure of it.

Mr. James. Where has the child been ſince?—At our workhouſe.

PRISONER's DEFENCE.

I have not a bit of anything, I made away with the laſt thing that ever I had in the world.

Court to Taylor. Did you hear her mention the age of the child?—When ſhe was apprehended ſhe ſaid it was four years old.

GUILTY.

To be privately whipped and diſcharged.

Tried by the London Jury before Mr. RECORDER.

724. JERVIS BRADBURY was indicted for that he, on the 26th of May laſt, unlawfully, and falſly, and deſignedly, did obtain from one James Lawrence, two carpets, one three feet wide, and three feet and a half long, value 7l. the property of Richard and John Myles.

(The witneſſes examined apart.)

JAMES LAWRENCE *ſworn.*

I am a ſervant to Meſſrs. Myles, of Biſhopſgate-ſtreet, their names are Richard and John Myles, they are wholeſale upholſterers; I knew the priſoner, he came to me on the 26th of May laſt, and told me he came from Mr. Loader of Moorfields, upholſterer, for two Perſia carpets, one three yards wide, and three yards and a half long.

Court. The indictment charges one to be three feet wide, and three feet and a half long, this being a variation, the priſoner muſt be acquitted.

NOT GUILTY.

Tried by the London Jury before Mr. RECORDER.

The Trials being ended, the Court proceeded to paſs Sentence as follows.

Received Sentence of Death, 25.

(N. B. Thoſe marked thus * were afterwards executed, on Wedneſday the 17th of Auguſt.)

Patrick Burke, George Morris alias Roberts, James Lockhart *, Richard Jacobs *, George Olive, John Raybo alias Preſcot *, Thomas Bayley *, Sam Champneſs, Francis Primroſe, John M ris *, James Guthrie *, Benjamin Moo Thomas Groves, John Williams, Da Engliſh, James Mackintoſh, Martin T lor *, Elizabeth Taylor *, John Bur Ja

James Cotta, William Cruſe, Mary Hughes, Catherine Martin, John Cox, William Staples.

To be tranſported for ſeven years to Africa, 1.

William Gosling.

To be tranſported for ſeven years, to ſuch place or places, as his Majeſty with the advice of his Privy Council ſhall think fit to declare and appoint, 30.

William Noble, William Cooke, James Jones, John Morland, James Moffat, Richard Ward, Thomas Breeze, James Davis, Joſeph Boſley, Richard Myer, Francis Oſland, Abraham Harley, William Stephens, John Grainger, Thomas Smith, Thomas Squiers, William Gloſter, Thomas Jocelyn, John Lloyd, John Edwards, James Bradley, John Tidford, John Poland, Jane Jackſon, Samuel Lambe, Roger M'Guire, John Brown, Richard Kayne, Michael Reger alias Racher, Thomas White.

To be confined to hard labour in the Houſe of Correction, four years and two hundred and ſixty three days, 1.

Robert Franklin.

To be confined to hard labour in the Houſe of Correction, three years, one month and two days, 1.

J[illegible]s Eades.

To be confined to hard labour three years in the Houſe of Correction, 2.

Mary Beck, Harriot Kirby.

To be confined to hard labour one year in the Houſe of Correction, 3.

Ann Brooks, Ann Sheldon, Mary Williams.

To be impriſoned ſix months in Newgate, 1.

William Warwick.

To be confined to hard labour ſix months in the Houſe of Correction, 8.

William Brandon, Jane Curfew, Mary Green, Robert Mountain, Ann Johnſon, Elizabeth White, Benjamin Jones, Ann Barret.

To be confined to hard labour one month in Newgate, 5.

Edward Hughes, Robert Walker, Edward Jefferſon, Margaret Wood, Thomas Williams.

To be publickly whipped, 14.

William Warwick, Michael Rochford, David Brandon, Cornelius Marney, John Scott, Michael Oxen, Edward Hughes, Robert Walker, Edward Jefferſon, Robert Mountain, Benjamin Jones, William Haywood, John Roper, Thomas Williams.

To be branded, 1.

Mary Allen.

Samuel Roberts, a priſoner upon the orders was ſet to the bar, and informed by the Court that the ſentence of the law was that he ſhould be tranſported for fourteen years.

Sentence on Thomas Field was reſpited.

The Trial of Meſſrs. Goodridge's and Evans was poſtponed till the next ſeſſion, on affidavit that the ſuit is ſtill pending in the Prerogative Court of Canterbury.

The next Seſſion will begin on Wedneſday the 14th day of September next at the Old Bailey.

To the Purchasers of the Sessions Paper.

SEVERAL interesting trials within the last three years being entirely out of print, Mr. Hodgson has caused fresh impressions of them to be sent to press, and which may be shortly had in separate Numbers, price 6d. each, at Mr. Walmsley's, Chancery-lane, and Mr. Bladon's, Paternoster-row.

Mr. Hodgson respectfully embraces this opportunity of making his most unfeigned acknowledgments to the public in general, and the gentlemen of the law in particular, for that estimation in which the Sessions Paper continues to be held for its accuracy; and assures them, that his most unremitting attention shall be exerted to retain and increase such estimation.

The trials so much enquired after, and which Mr. Hodgson purposes to reprint for the accommodation of his customers are as follow:——The remarkable trial of John Graham and his wife for forgery.—Charlotte Goodall and John Edmonds for robbing Mrs. Fortescue at Tottenham.—Francis Gray for the murder of Mr. Hurd.—Dr. Daniel M'Ginnis for the murder of Mr. Hardy.——William Wynne Ryland for forgery.——Nicholson, Ward, Shaw, Murry, O'Brien, and others, for the murder of Nicholas Casson, at the Huffings at Covent-Garden.——Richard Corbett, (a youth) for setting fire to his master's house.——Colonel Cosmo Gordon for the murder of Frederick Thomas, Esq; in a duel.——Henry Morgan for the murder of Mr. Linton.——Porter Rideout, for the murder of Moses Lazarus, in Duke's Place.——Captain Keith Mackenzie, for the murder of Kenith Murray Mackenzie, at Fort Morea, in Africa.—Thomas Wood and George Brown for robbing Sir Thomas Davenport.—George Ollive, a youth, (of this session) for setting fire to the house of his master Mr. Parlee, in St. James's-street, Martin Taylor and Elizabeth Taylor, of this session, (brother and sister) both executed on Wednesday the 17th of October for burglary.

☞ TRIALS &c. accurately taken in SHORT-HAND, and expeditiously copied by E. HODGSON, No. 35, Chancery Lane:——Short Hand taught as usual in FOUR LESSONS, price 2l. 2s.—Also HODGSON's SHORT-HAND BOOK to be had as above, price 2s. 6d.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable Sir HENRY GOULD, Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir WILLIAM HENRY ASHURST, Knt. one of the Juſtices of his Majeſty's Court of King's Bench; the Honourable Sir BEAUMONT HOTHAM, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable JAMES ADAIR, Serjeant at Law, Recorder of the ſaid City; JOHN WILLIAM ROSE, Eſq; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

First London Jury.	*Second London Jury.*	*First Middleſex Jury.*	*Second Middleſex Jury.*
John Shank	Peter Cockburn	John Gregory	Francis Jones
William Seaman	Robert Black	Edward Shee	William Nicholl
Joſeph Buckland	Ayres Cook	James Lock	Simon Leith
James Ealey	William Hales	Tho. Cartwright ‡	George Mitchell
William Allen *	Thomas Cotton	Thomas Southwell	Thomas Weaver
Samuel Hall	John Allen	James Canter	James Linden
Henry Young	John Box †	James Burges §	Charles Chowles
James Fowle	John Bailey	John Lambert	Richard Warren
John Smith	John Bird	Thomas Lyne	Caleb Jones
Joſeph Johnſon	Henry Shutleworth	John Smith	George Wells
Thomas Farrance	Thomas Wilkie	William Allen	John Moore
Tho. Gillebrand	John Brown	Joſhua Owen	James Bumpſted.

* Thomas Collier *ſerved the four laſt days in the room of* William Allen.
† Miles Maſon *ſerved the laſt day in the room of* John Box.
‡ William Lockwood *ſerved on the 5th day in the room of* Thomas Cartwright.
§ Saul Richardſon *ſerved on the 7th day in the room of* James Burges.

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725. CORNELIUS MORAN was indicted for feloniouſly aſſaulting Francis Phillips, on the King's highway, on the 2d day of July laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and

againſt his will, one ſilver watch, value 30s. two ſeals, value 4s. and one ſteel chain, value 1s. his property.

FRANCIS PHILLIPS *ſworn.*

On the 2d of July, I was robbed, about half paſt nine in the evening, in Ratcliff-highway, the priſoner at the bar gave me a ſhove, I cannot ſay he robbed me; I was beat and ill uſed very much, there were ſeveral others that appeared to be of the priſoner's company.

Did any thing paſs between the priſoner and the people that appeared to be in his company?——I cannot take upon me to ſay, I was rather in liquor at the time.

As you was in liquor, then can you take upon yourſelf poſitively to ſay, that the priſoner was one of the perſons?—He was the perſon that firſt ſtruck me, and gave me a ſhove, then the priſoner aſked me if I would fight with him, I ſaid, I would charge an officer with him as ſoon as I could get one, and ſeveral people being round me, I felt one of them pull at my watch, but who it was I cannot ſay; I was almoſt knocked down but not quite, I was againſt the wall, they made two pulls, and I loſt my watch, a ſteel chain, and two ſilver ſeals; it was a very ſmall watch, both caſes ſilver, I held the priſoner by the coat while I got aſſiſtance, I am not certain whether I loſt any money.

Did the priſoner appear to be ſober?—I cannot inform you, for I was very much in liquor myſelf, and I cannot tell in what condition he was, but to me he appeared to be ſober.

How many were there that appeared to be in his company as you ſuppoſe?——I ſuppoſe at leaſt there might be ſeven or eight, and one of them held me by the hair while another hit me over the face, I look upon it, that it was the priſoner that robbed me, but I cannot be poſitive.

ROBERT PARNELL *ſworn.*

I was coming along at the ſame time, behind the proſecutor, and I ſaw the priſoner ſhove the proſecutor againſt a public houſe, the corner of White's-yard and afterwards the priſoner aſked the proſecutor if he would fight; then he went into the houſe oppoſite, and as ſoon as he came out again, five or ſix men came out, and the priſoner put his head between the proſecutor's legs, and after ſometime he pulled the watch out of the proſecutor's pocket with his left hand.

Did you ſee him do that?—Yes.

Are you ſure of that?——Yes, I then called out that the gentleman's watch was gone, and then all theſe men that came after him went and pulled the gentleman about, and ſaid, what watch? and then the priſoner called out let him fight; he then had his head between the proſecutor's legs, then the other pulled the proſecutor by the hair of the head, out into the middle of the road, and the proſecutor held the priſoner by his coat, the proſecutor cried murder! they got him down a gateway, I then went to a butcher's over the way, and aſked where the runners were kept, then I ſent a boy from the public houſe for one, and the priſoner and the proſecutor were taken into the public houſe, the proſecutor ſtill kept hold of the priſoner.

Were the other men got away?—They might have got away, there was a great croud.

Did you find the watch upon him?—No.

Priſoner. Why did not he mention it at the time that he ſaw me take the watch?—I mentioned it at the time.

WILLIAM PACKER *ſworn.*

I am headborough of St. John, Wapping; I was applied to by the laſt witneſs, to come and take this man, the proſecutor had hold of the priſoner when I came up, there was no watch upon him when he was taken.

PRISONER's DEFENCE.

I knew nothing of the gentleman's watch, I have no witneſſes.

Jury to the boy. What are you?——I live at Mr. Lowden's, hat-maker, in Leadenhall-

enhall-ſtreet, I am ſixteen years old; I am ſure I ſaw the priſoner take out the watch, and it was handed away directly.

Jury to Proſecutor. What are you?—A gangſman, I knew the priſoner before.

Have you been in company with him?—No, never in my life, the priſoner knows me very well, but I never employed him, I wiſh you to be favourable to him, only that he may be puniſhed.

Jury to the boy. How came you to be there; I was carrying home a hat.

And are you ſure you ſaw him take the watch out of his pocket?——Yes.

The Jury withdrew for a ſhort time, and returned with a verdict,

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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726. WILLIAM LAWES was indicted for feloniouſly aſſaulting Jane the wife of Thomas Holmes, on the 15th day of May laſt, in a certain field and open place near the King's highway, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, two half crowns, value 5s. and ſixpence in money, the monies of the ſaid Thomas.

JANE HOLMES *ſworn.*

I am wife of Thomas Holmes, on the 15th of May, Whitſunday, on my return from Edmonton Church, at the end of ſacrament time as near as I can recollect a quarter paſt one, a little more or a little leſs, I was going to Wynchmore-hill, I was on foot and quite alone, and near the entering of a lane, called Mr. Taſhmakers Lane, a man met me and ſtopped me.

How far was that from Edmonton church?——A mile, the man preſented a piſtol to me, and ſaid, Madam, your money or your life, I begged him to take that from me, and I would give him all I had, he told me not to be frightened, I ſhould not be hurt, and I gave him two half crowns, and ſixpence, and he left me immediately, I went to Wynchmore-hill, I ſuppoſe he went from me, I ſaw no more of him.

Do you know the man?——Yes.

Is the priſoner the man?—Yes.

Look at him?—Yes, he is the man.

Did you know him before?—I never ſaw him in my life before.

How long might he ſtay with you?——I ſuppoſe four or five minutes.

Was you ſo long getting out the half crowns?——Yes.

Did you ſee any body go by at the time?——Not anybody, I did not ſee a creature near me till I was out of the field in the lane.

Is it a public path?——A public path from the church.

How was he dreſſed?—In a day labouring working dreſs.

What ſort of a hat?——A very old ſhabby hat flapped round his head.

And had you a fair opportunity of ſeeing his countenance?——Yes, my Lord, I ſtood with him ſome minutes particularly begging he would not hurt me, and pleading to ſave one half crown.

You mean to tell the Jury, the priſoner is the man?——I am too ſure he is the man, if I had had the leaſt doubt I would not have come into this Court.

How long after was he taken up?—The 17th of July.

Court. That was two months after the time, did you recollect him again immediately?——I recollected him the inſtant I ſaw him, I mentioned the robbery as ſoon as it was committed, I was walking with Mr. and Mrs. Dale and Mr. Holmes after tea, and in a lane near Salmon's brook the man met us, and I inſtantly ſaid that is the man that ſtopped me on the Whitſunday, the reply was, are you ſure of that? and immediately Mr. Dale and Mr. Holmes ſeized the man.

Court. Was that near the place where

you had been robbed before?——It was ſome diſtance, I cannot tell exactly how near.

MICHAEL DALE *ſworn.*

I ſeized the man by Mrs. Holmes's directions, that that was the very man that had robbed her, I ſaid, are you certain ſure? ſhe pointed with her fingers, ſays ſhe, that is the fellow, with that we ſeized him, the poor man abſolutely utterly denied it, and ſaid, he was not the perſon, and ſo he ſtill continued, the man behaved very decent, and very pretty; and I certainly did take him, I ſearched him and found a piſtol in his pocket, which I tore out of the bottom of his pocket.

Was it loaded at the time?—No, it was not in a condition to fire at anything.

Jury to Mrs. Holmes. Do you recollect whether that was the ſort of piſtol that was preſented to you?——Yes, my Lord, as near as one piſtol can be to another, when I came home, I ſaid it was like an old great horſe piſtol.

Dale. He ſaid at the time he overtook her, he would not hurt the hair of her head, he is an eaſy quiet poor creature.

Holmes. I can ſay nothing more than to coroborate the evidence Mr. Dale has given, except I aſked him how he came by the piſtol, he ſaid he did not know he had it, I ſaid that was impoſſible, then he ſaid he carried it to protect himſelf, I afterwards remonſtrated with him, and he ſaid, being a gardener he carried it to frighten the birds.

PRISONER's DEFENCE.

I was not the perſon.

PATRICK DRUMMOND *ſworn.*

The priſoner has worked for me ſome years as a gardener, I had known him upwards of four years, he always behaved himſelf honeſtly and well.

—— ANDERSON *ſworn.*

I have known him almoſt twenty years; never knew anything againſt his character, but he always behaved himſelf as an honeſt, quiet, ſober, peaceable man.

—— ARNOLD *ſworn.*

I have known him about eight years, an honeſt, ſober man, he lodged with my father between two and three years, and I never knew him to lay out of the houſe but one night, and that was the night he was taken, he is a gardener by buſineſs, and works for Mr. Drummond.

DENNIS BROWN *ſworn.*

I have known him near twenty years, a very honeſt, ſober man, I never knew any other of him.

—— DOWNES *ſworn.*

I have known him almoſt four years, he worked for a gentleman, employed by this Mr. Drummond upwards of four years, he was honeſt and ſober, I never knew anything to the contrary.

MOSES JOLLIE *ſworn.*

I have known him between four and five years, he worked for Mr. Phillips going on ſix years, never neglected a day's work, I never knew any diſhoneſty by him.

Court to Drummond. Is the priſoner a married man or ſingle?——He has been twice married, he is ſingle at preſent.

Has he any children?—He has a daughter and ſon.

Jury to Drummond. Is it uſual for men employed in a garden to carry piſtols in their pockets for the purpoſe of ſhooting at birds?—It is not uſual, but ſometimes it is done to frighten birds from the ſeed-bags and the fruit.

Did you know him to carry a piſtol at any time?——The piſtol had been laying about in the garden for ſometime.

Jollie. This piſtol lay in the garden for a month before, hid in a parcel of tyles, it was found about a week after he was taken by a bricklayer; when he came to work one morning he looked for his piſtol as uſual, and had loſt it, he enquired of the men, and they enquired of the maſter, and the maſter brought it to me, and ſhewed it to me.

Did you ever know him to carry this piſtol about?—I never ſaw it before then,

I aſked him the uſe of it, and he ſaid, he had it to frighten the birds, I aſked him which way, he ſaid, he ſtruck it down at them, and by ſtriking it down it frightened the birds off the trees.

Court. You heard him mention that he had loſt his piſtol?——Yes.

Mr. PHILLIPS *ſworn.*

This man has worked in my garden for five years, in the country; I had a very high opinion of him, he behaved extremely well, he went in when he pleaſed, I had not the leaſt doubt in the world about him, I had no idea of anything of this ſort, I never was ſo aſtoniſhed in my life; the man was the moſt regular in his work I ever ſaw, and he worked there till the evening he was apprehended.

Do you know anything about his carrying a piſtol?—I have heard ſome of my ſervants ſay, he had a piſtol in the garden, which he told them was to frighten away the ſparrows; that is all that I know of it, I never ſaw it.

Court to Dale. What was the defect in the piſtol, that it could not be fired?—— The flints were not fixed for firing.

GUILTY, Death.

He was humbly recommended to mercy by the Proſecutor and his wife.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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727. JAMES DUNCAN, JAMES MUNDAY, THOMAS ARNETT, and EDWARD GRIFFITHS, were indicted for burglariouſly and feloniouſly breaking and entering the dwelling-houſe of Benjamin Rooke, about the hour of two in the night, on the 15th of July laſt, and burglariouſly ſtealing therein one pair of ſilver ſhoe-buckles, value 10s. one pair of ſilk ſtockings, value 5s. one pair of thread ſtockings, value 3s. one muſlin neckcloth, value 2s. and three ſilver tea-ſpoons, value 4s. his property.

BENJAMIN ROOKE *ſworn.*

I live at Hertford, and I have chambers in Staples-inn; I received information of my chambers being broke open about the 15th of July, and I came to town immediately to enquire about it, and I found I had loſt a pair of ſilver buckles, and three ſilver tea-ſpoons, a muſlin neckcloth, a pair of ſilk ſtockings, and a pair of thread ſtockings.

Court. How lately before had you been in the chambers?——About a fortnight.

Did you leave anybody in the chambers?—No, the laſt time I was in the chambers, I locked them up, and left the key at the lodge with the porter's wife, who is my laundreſs; I have no reaſon for charging the priſoner with this robbery, only when I appeared before Sir Sampſon Wright, the buckles were then produced, ſaid to be found on Duncan, and the other things in a place where he was taken.

WILLIAM DUNCAN *ſworn.*

I am the porter of Staples-inn, I only know that the watchman told me my boy was in the cellar, at No. 11, in the next court; there are two courts in Staples-inn; I took my ſon out of that cellar, and kept him in the lodge till I got one of the patrols to take care of him; I took him on ſuſpicion of his being out of his lodgings, becauſe I paid his lodging duly and truly every week, and I knew he had no buſineſs out of his lodgings.

When was this?—On the 15th of July, on Friday morning about four o'clock.

HOWEL JONES *ſworn.*

I came at two o'clock to water the road on the 15th of July, and I ſaw a drover turning ſome ſheep into Brook-ſtreet, and he ſaid what are thoſe people doing there on the leads, and I looked acroſs the way to Staples-inn; and at a ſide window I ſaw a couple of men on the leads, I turned towards them, and they jumped off, and two ſtood below, I kept my ſight as well as I could on one of them, that did not run, the other three run.

Did they jump off into Staples-inn or into

into Holborn?—Into Holborn, the leads are over ſome ſhops, the one that I kept in my eye was the priſoner Munday; Griffiths I believe was the other, but I will not be poſitive of any other but Munday, as I was flurried; I took Munday in Brook-ſtreet, I found nothing on him.

Priſoner Munday. My Lord, I was drinking at the pump when he took me.

Did you obſerve the windows oppoſite to thoſe leads when you obſerved the men, were they open or ſhut?——The glaſs of the caſement was broke, and the caſement was open, I charged them with a conſtable, and I told the porter that I ſaw another in the window half in and half out, but I could not tell who it was; Munday was let go out of the watch-houſe, there being nothing found on him.

Mr. Knowles Counſel for the Priſoner Munday. You do not come to water the ſtreets, I ſuppoſe, till day-light?——It was not very light.

You could have ſeen the face of any of your companions that were paſſing by that way?——Yes, and it was as much as I could do.

Where was Munday when you came up to him?——He was ſtopping at the pump to drink.

Did you hear him ſay, or do you know that that was the way to his mother's houſe?—Yes, he ſaid ſo.

And you have found it out to be ſo ſince?—Yes.

Did you call to him to ſtop?——Yes.

He returned to you voluntarily?—Yes.

How came he to be diſcharged?——The conſtable aſked me if they charged him, and I ſaid no; I only was in the room at the chambers at that time.

Was not this man examined ſeveral times before the juſtice?——Only once when I was there.

Do not you know he has been examined twice before you appeared?—Yes.

Before you went to the juſtice you knew he was taken up?—I was told ſo.

Then did not you think it your duty to appear when you firſt heard he was taken up?——I am a ſtranger to theſe things, I went when I was aſked to come.

Who aſked you to come?—Jackſon, the runner.

Is Jackſon here?—I believe he is.

Now, I ſuppoſe, he did not tell you it would be worth your while to come?——He told me I muſt come.

Did not he give you ſome hint that you might get a little money for coming?——No, Sir.

What was to fall to your ſhare?——He never promiſed me any thing, nor never ſpoke to me about the money.

Who was that man that did promiſe you any part of the reward?——I have had no talk with any of them for the reward.

You knew though I ſuppoſe that you was to have at leaſt a ſhare of forty pounds?——There were ſome people of my kind that told me here and there, that I ſhould have it.

Yes, I thought ſo, now if you could have ſtrained yourſelf a little further, you would have a ſhare of four times forty pounds?——I would not wiſh it.

No, I ſuppoſe not! that is well done; your employment is a waterman?—I have done it ſeveral ſeaſons.

How much may you get a-day by it?—Fourteen ſhillings a-week, ſometimes more and ſometimes leſs.

Jury. I think you ſaid that Munday was one of the two that jumped off the leads?—Sir, I did ſay that he was one of them, as I believe.

Are you ſatisfied that is the man that you ſaw jump?—I believe ſo, Sir, as far as I know.

Court. Did you keep him in ſight from the time he jumped off till he was taken?—I think I did.

JOSEPH JACKSON *ſworn.*

I am a ſhoemaker, on the 15th of July in the morning, Mr. Duncan, the father, ſent for me from home, and told me, that his ſon was in cuſtody, and that Mr. Rooke's chambers had been broke open, and he thought his ſon, with four or five,

or

or ſix more had done it; accordingly I took the priſoner Duncan from his father's apartments to Bow-ſtreet, and one John Sherwood aſked me, whether I had ſearched him, and I ſaid no, for his father ſaid he believed he had no property about him, then Sherrard ſearched him, and found a pair of ſilver buckles belonging to Mr. Rooke in the priſoner Duncan's fob pocket, and took them out in the office.

JOHN SHERRARD *ſworn.*

When the priſoner Duncan was brought to the office, I ſearched him, and in his breeches fob pocket I found theſe ſilver buckles.

Court to Mr. Rooke. Are theſe your buckles?——I believe they are.

Can you ſwear to them?——There are other buckles, I ſuppoſe, of the ſame pattern, but I can ſwear that the buckles I loſt were exactly of this pattern and ſize.

Court to Duncan. Did theſe leads communicate with Mr. Rooke's chambers?—Yes, they did, I had no other reaſon for ſuſpecting my ſon, but his being out of his lodgings at an improper time of night.

Jackſon. After the buckles were taken out of Duncan's pocket, he was brought to the bar, and Sir Sampſon aſked him, whether he had any other perſon that was with him or not.

Court. You muſt not tell any thing that Duncan ſaid that tends to charge any body but himſelf; was any thing ſaid by him importing a denial of his being concerned, or a confeſſion that he had been concerned?—He owned that he had been concerned with four or five more, and mentioned their names.

What was he charged with before the Juſtice?—With breaking and entering Mr. Rooke's chambers, and ſtealing the property we have here, and he told his father in the Brown-bear, he had hid ſome property belonging to Mr. Rooke, and I went and found it; I went to No. 11, Mr. Townſend's chambers, and in the cellar I found three ſilver ſpoons, a pair of ſilk ſtockings, a pair of thread ſtockings, and a neckcloth.

Proſecutor. Theſe ſpoons I believe to be mine, they are marked B. R. M. N. the neckcloth is mine, I know it by the mark; the ſtockings have no mark, but I believe them to be mine, having loſt a pair of ſilk and a pair of thread, and the ſilk of the ſame pattern.

Mr. Knowles. At what examination was it, that this waterman attended?—It was the ſecond examination.

WILLIAM SEASONS *ſworn.*

I received a private information, and I apprehended Griffiths, and one Kendrick, I ſent up to Sir Sampſon's office and received a meſſage to bring them up, when they were brought before Sir Sampſon, the waterman poſitively ſwore then to Griffiths but not to Kendrick, we found nothing on Griffiths, and he behaved very civil.

THOMAS ISAACS *ſworn.*

I apprehended Griffiths with the laſt witneſs.

WILLIAM BLACKETER *ſworn.*

I only apprehended Griffiths with Seaſons.

HANNAH GOSS *ſworn.*

They fetched me to Bow-ſtreet, and they bound me over to proſecute, we kept a public houſe eleven weeks in Bell-court, Gray's-Inn-lane; I know nothing further, only that a parcel of men came in the night of this robbery, I believe it was, Griffiths and Munday and Duncan were in company with ſome others.

How late did they ſtay at your houſe?—It might be about eleven.

Was Arnett there?——I do not know that I ever ſaw him, they had three pots of beer, and two papers of tobacco, and behaved very decent.

Priſoner Griffiths. Were we in company?——You were all in company together, there might be eight or nine for what I know.

To

The Prisoner Munday called five witnesses who gave him a very good character.

HENRY JENNINGS *sworn.*

The prisoner Duncan lived clerk to my father about six months, he came on or about the 29th of October, and left him about April, 1785.

Court. What is your father?——An attorney, No. 3, Staples-Inn, during that time we could not impeach his character in the least, the only reason that I understood my father parted with him for was, he neglected coming early one morning, he did not come till ten o'clock, and was to have come at eight, during that time he was with us he received money, and paid money, we never missed a pin's point; my father is at Nottingham, or else he would have come himself.

JAMES DUNCAN, GUILTY, Death.
JAMES MUNDAY, NOT GUILTY.
THOMAS ARNETT, NOT GUILTY.
EDWARD GRIFFITH, NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

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728. JAMES ROE was indicted for feloniously stealing on the 1st day of September, two ewe sheep, value 32s. nine wether sheep, value 10l. and nine lambs, value 6l. the property of George Kibble.

GEORGE KIBBLE *sworn.*

I live at Shoreham, between Seven Oaks and Dartford, in the county of Kent; I heard from my shepherd on the 1st of September, that I had lost one score of sheep, and on Sunday morning the 4th, between ten and eleven I heard there was a man taken on suspicion of stealing some sheep, which was on the 1st of September.

Court. What sort of sheep were they?——There were nine lambs that were shorn, and among the nine one ram lamb was saved intended for a young ram for a breeder; and there were nine wether sheep and two ewe sheep; they were all South downers; the lambs were marked in the neck with oker, and the wether lambs marked separate across the loins with a thin streak of oker to distinguish them from the ewe lambs, the ewe lambs were not marked across the loins, the wether sheep were marked across the shoulders with a narrow strips of oker at sheering time; as to the two ewes we were not certain whether they were both marked or not, if they were marked they were marked with a streak of oker down the rump; I never saw any of the sheep since, but I have seen the skins, they were laid all tumbled about together, and a many of them were cut and mangled, but amongst them there were several whole skins which were quite perfect, clear to be my mark; the skins began to smell very much, I found them at the public house, the sign of the Bear, just by Sir Sampson's office.

Court. From the description you have given of the marks that you used, are they such as enable you positively to swear to your own skins?——Yes, they are very clear, and have the oker being marked in three different places, and the different wideness of the oker.

Court. Do the other farmers in your neighbourhood use the same sort of mark?——Not that I know of, I believe there is no farmer in that neighbourhood that keeps south downers but myself; I am trying to recollect if there is one; no, I do not recollect any; the south downer sheep are short legged, close wool, and black faced, their legs and face are black and smutty, and they are fuller of wool than the other sheep, and the wool is a much finer wool.

WILLIAM YATES *sworn.*

I am shepherd to the prosecutor, on the 1st of September he lost some sheep, near Shoreham, we missed a score of sheep, nine lambs, and nine wether sheep, and two ewes, they were south downers; they were marked down the neck, the wether lambs had a mark down the loins, and the sheep across the shoulders, and the ewes down the neck, I heard of them again on the Sunday

day in the fore con; I saw the skins afterwards.

Court. Could you judge from the skins whether they had been lately killed?—Yes, they were.

Prosecutor. By the appearance of the skins it appeared as if they were killed about the time I lost them; I live about twenty miles from London.

THOMAS GENTLEMAN *sworn.*

I am a butcher in Duck-lane, Westminster, I was sitting at a house, and a neighbour said there is our neighbour has got a score of sheep, says he let us take a walk, and we went round, and I saw my neighbour killing two sheep, one was hung up, and the other lay dead, this was in the evening of the Thursday, about four o'clock.

What was your neighbour's name?——Thomas Beadle, they were downers sheep; says I, you have have got a rare stock here, what are you killing for shipping? Says he, I have got a score, they belong to no butcher; says I, is there any butcher's mark on them, and I looked at them; why says I these things are certainly stolen; says he, I know nothing at all about it; I goes away and went to Bridewell, and made the complaint, and two people were sent down and he was brought up to Bow-street; I counted them, they were all dead; I saw two with the skins on, and the rest of the score dead, and I saw them told over in the shop; I observed the two skins that they were taking off, they had the same mark that the farmer has spoken of.

JOHN SAYRE *sworn.*

On the first of September this gentleman came to Tothillfields Bridewell, and gave information that there were a score sheep he suspected were stolen, I took a man with me, and went to Beadle's shop, and Beadle was skinning the last sheep; the prisoner was within-side the shop cleaning the guts.

What was he a servant of Beadle's?—No, I took Beadle in custody at the door, and took the knife in his hand, and asked him who they belonged to; he said they did not belong to him, they belonged to the man in the shop; I took him into custody, the prisoner said he brought them out of Kent for two men, he fixed upon a man at Hungerford market, but we could find no such man; he said he came out of Kent, but I cannot rightly recollect what part.

THOMAS BEADLE *sworn.*

I am a butcher, I was going along the street about my business, and I met the prisoner enquiring for somebody to kill a score of sheep; I met him on Thursday the 1st of September, about ten in the morning, he had not the sheep with him then, he had put them up in a place near the horse ferry road, I said to him, Sir, I have got a place to kill them in; I was to have 3d. a sheep, which is common in the trade; he said as I alter would be there in an hour, or an hour and half, and he would satisfy me; he said his master's name was John Taylor; I asked him where his master lived, he said in George Court in the Strand; I never saw the prisoner before; he brought the sheep out of the place in the horse ferry road to where I lived, about ten in the morning; killed twenty, they were south downers black faced and black legged.

Is it an usual thing in your trade to do these sort of things?——Yes, Sir, I get my living by it.

Then you do not sell sheep to anybody——No, Sir, I get my bread merely by killing.

Were they fat sheep?——Many of them were middling sheep.

Were they fit for market?—Yes.

Prisoner. My witnesses are not come, have sent for them.

Jury. Did you observe when you killed the sheep whether they were cool or heated as just come off a journey?—They seemed to be very cool and settled.

Were they in that state they usually are when brought to you for that purpose?—Yes; I enquired about Mr. Taylor, and there was such a man six months ago, but he was gone to Birmingham.

What was to be done with them?—

The

They were to be ſent to Mr. Hill and King in Newgate Market, a man that keeps carts in the neighbourhood was to ſend them, that was the orders he ſaid he had; Mr. Hill ſold the ſheep laſt Saturday.

PRISONER's DEFENCE.

My Lord, I was ordered to drive theſe ſheep down to Weſtminſter, by Mr. William Taylor, the brother of that Taylor; I went to Foots Cray to work at hops, and I lay at a butcher's, and between five and ſix the next morning, juſt by counſellor Chetwood's, ten miles this ſide Foot's Cray, he aſked me to drive them to the half-way houſe, and wait for him; I went on and ſtopped, he rode up to me, and ſaid, I have overtaken you my lad; yes, ſays I; ſays I, is not your name Taylor, your brother was in town laſt year, and had ſome bullocks killed; ſays he take theſe ſheep down to Weſtminſter, where my brother had his bullocks killed, and then ſend them to Mr. King; I went and found Mr. Beadle, ſays he, I ſhould be glad of a job, I told him they were three-pence a ſheep, he ſaid I dare ſay I can ſell moſt of them in my own ſhop; he ſaid he would take the hides and plucks, and be anſwerable for the price, they are ſixpence a piece, and in taking the laſt ſkin that gentleman took him and me, and I know no more about it.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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729. GEORGE NUGENT and WILLIAM BURKE were indicted for feloniouſly aſſaulting Joſeph Walker on the king's highway, on the firſt day of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ſilver watch, value 30s. his property.

(The witneſſes examined apart at the requeſt of the priſoners.)

JOSEPH WALKER *ſworn.*

I had been at my benefit club, I was ſtopped by three men on the firſt of Auguſt, two of which are the priſoners, they followed me and collared me, they ſaid nothing to me; I laid faſt hold of my chain, and one of the three forced his hand into my fob, and pulled out my watch.

Was there a moon?—Yes, but it was not clear moonlight, it was cloudy.

Did you know the men before?—Never.

How ſoon were they taken after the robbery?—Between one minute and two, as near as I can gueſs, I kept them in ſight till they were taken; one of them was taken by William Glover, and another by James Wayland: when they pulled the watch out, I held faſt by the chain, it did not go, then they gave another pull and a twiſt, and broke the watch from the chain with a link or two of the chain with it; here is the remainder of the chain *(produces it.)* As ſoon as ever they quitted their hold, I gave the alarm, and purſued one of them acroſs King-ſtreet, and as we were going down Holborn, the other man turned down King-ſtreet, and at the top of King-ſtreet they were ſtopped, one turned one way, and one the other.

Was you perfectly ſober at the time?—I had been drinking, but I was very ſober to know what I was doing, and perfectly ſure of the people.

Was the watch found upon either of them when they were ſtopped?——No.

Had they any arms, or any thing found on them at the time?——No: they did not preſent any thing to me, only collared me.

Priſoner Burke. What ſtreet was I taken in?——The corner of King-ſtreet.

In what ſtreet was you robbed?——In Holborn.

How far was it from the place where you was robbed?—I cannot ſay, it is not above one hundred yards.

Did not you charge another man with robbing you, in the watch-houſe?—I did not.

Did

Did you charge any other man but us two?—I did not.

I refer it to the watch book of the night, he said at first it was the man that robbed him who is now a witness against us?——I said no such thing.

WILLIAM GLOVER *sworn.*

I was at the Coach and Horles, the corner of Hart-ſtreet and King-ſtreet, I came out hearing a noiſe of the watchman's rattles, it was between twelve and one, near half after twelve, or thereabouts, I heard a noiſe and cry of ſtop thief, I ſaw the two priſoners runing up King-ſtreet, by the ſide of the Buffalo tavern, they croſſed over towards Orange-ſtreet, which leads to Red Lion ſquare, hearing the cry of ſtop thief, I made after them, and took William Burke, and pulled off a piece of his coat, the corner of King's-gate-ſtreet; here is a piece of his coat; I made after him again, and directly he threw his hand back, I heard ſomething fall, I thought it was a piſtol, I collared him, and the proſecutor ſaid theſe are the men that robbed me of my watch, here is the chain in my hand, which they left behind; what he threw down was not found; I cannot ſay what it was.

Priſoner Nugent. Did you ſee me with this man?—You was cloſe behind him.

How long was it between the time he was taken and I was taken?——It could not be long.

JAMES BANKS *ſworn.*

On the 1ſt of Auguſt, as I was going up Holborn, about a quarter after twelve, I ſaw a few people ſtanding together, and as I approached nearer, the proſecutor ſaid, I have loſt my watch, I have the chain in my hand; the men at that time were gone from him; he cried ſtop thief; I ran with the proſecutor very faſt after the priſoners, and we overtook them; the two priſoners are clearly the ſame men that were running, becauſe they were never out of my ſight, they ran exceedingly faſt, they were about half way up the ſtreet before the rattles went, I was cloſe after them, and juſt as they turned the corner of Kings-gate-ſtreet I was immediately up with the ſhorteſt, that was Nugent, and he was ſtopped by a luſty man, I have ſeen him ſince at Juſtice Walkers, and here in the yard, I know nothing of the robbery, only I know theſe are the two men that ran from the plaintiff.

Priſoner Nugent. Was not you charged with this watch?——I was.

Did Walker ſay at the watch-houſe that I was not one of the men?——I did not hear him ſay any ſuch thing.

JAMES WAYLAND *ſworn.*

As I was coming home one night from my duty, I heard a hue and cry; I kept no account of the day of the month, it was between twelve and one that the rattles were going, I run up to ſee what was the matter, and I ſaw this Nugent run acroſs the ſtreet juſt before me, he was crying ſtop thief, ſtop thief, I ſaw nobody before him, I ran and ſtopped him; ſays I, I believe you are the thief; and he ſaid he was none of them, ſo I brought him up where the mob was, and the man that loſt the watch ſaid immediately, that was one of them.

HUGH O'DONNELL *ſworn.*

The watchmen ſprung their rattles, I am watchman, and I came to their aſſiſtance, and I ſaw a parcel of people running, and I ran to the firſt man that I ſaw running, which was Mr. Banks, one of the evidences, and I took him, and brought him up to the proſecutor in the ſtreet, and aſked him if that was one of the men, ſays I, Sir, you will excuſe me, I muſt detain you, I did, and the proſecutor had a doubt upon him whether he was the man that ran away or no, and he ſaid no, with that I let him go, and laid hold of one of theſe men that were in cuſtody of the watchmen, when we came to the watch-houſe, Mr. Banks ſaid he apprehended one of the men, I ſpoke to him and replied, he muſt be very wrong to ſay ſo, when he was in my cuſtody at the time they were apprehended, ſo that gave us a ſtrong ſuſpicion that he might be a party concerned himſelf, and the proſecutor gave charge of him on ſuſpicion of his being one of the party, and ſaid, he would not pro-

profecute him if he had a good character, but his character was *dived* into, for the profecutor ſaid, that if his character proved *amiable*, he would not proſecute him; therefore one of the beadles, and ſomebody elſe went, and it proved that he was employed by ſome attorney as his clerk, and therefore he was diſcharged, and he came the next day to the office and appeared againſt them.

Priſoner Nugent. Did not you hear Mr. Walker ſay I was not one of the men?—— While they croſs examined the profecutor in the watch houſe, he was rather diſguiſed in liquor, I did not hear what anſwer the profecutor gave, but the priſoners ſaid they did not know one another; the priſoner Nugent ſaid there you hear he ſays I was not one.

Who ſpoke to him?—Why that young man.

JAMES MAYES *ſworn.*

I know nothing of the robbery, but I being patrol, I was called in to know if I knew any thing of theſe men, or ever ſaw them in my rounds of a night, becauſe they pretended not to know one another; and I told the juſtice I had ſeen them together a number of times, and another in company with them.

JOHN GALWIN *ſworn.*

I watch in King-ſtreet, I was crying half after twelve, and the profecutor hallooed out to me, and told me to ſtop them two men, that had robbed him of his watch this minute; he ſaid they croſſed the ſtreet from me, I ran after them and ſounded my rattle, they were ſtopped before we came up.

Are you poſitive ſure theſe are the two men you firſt purſued?—I cannot be ſure.

WILLIAM HOUNSWORTH *ſworn.*

On Monday night between twelve and one, th profecutor met us juſt at King-ſtreet, and in Holborn he called out watch, watch, I have been robbed by three men, and the priſoners at the bar run up the ſtreet; there were four run; the two priſoners, the profecutor, and Banks: I am very clear to two of the priſoners, and the other I am clear in his dreſs, but I did not altogether take notice of his perſon.

Which is that?——The priſoner Burke, they run very hard up King-ſtreet, and I followed them, and I turned my rattle; the priſoner Burke never was out of my ſight, he was taken in King-ſtreet by Glover, and Glover ſaid that the priſoners had thrown ſome thing away, I looked with my lanthorn, but found nothing; the profecutor came up immediately, and ſaid that was one of the men that robbed him; immediately the other priſoner was brought up, and the profecutor ſaid he was the other man; we ſearched Burke, and found nothing but a tobacco box, and knife, I did not ſearch the other, but I did not hear any thing was found upon him.

PRISONER NUGENT's DEFENCE.

I am a ſeaman, I had been to Wapping for my wages and prize money; I met with a woman in King-ſtreet, I was ſpeaking to her, a man run by me, and the woman deſired me to go about my buſineſs, or I ſhould be taken up, I run, and at the watch-houſe the profector ſaid I was not one of the men.

PRISONER BURKE's DEFENCE.

I was going home to bed, and when I heard the rattles I run leſt I ſhould be taken up diſorderly in the ſtreets.

Jury. Was Walker ſober at the time or not?——He ſeemed to be diſguiſed, and had a doubt, the conſtable aſked him whether he was ſober; he ſaid he had been at his club, but he was ſober enough to know he had been robbed, and who robbed him; he was a little diſguiſed.

GEORGE NUGENT, WILLIAM BURKE, } GUILTY Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice ASHURST.

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732. JOHN MOODY was indicted for feloniouſly aſſaulting John Grandedier, in a certain field and open place near the King's highway, and putting him in corpo-

ral fear and danger of his life, and feloniously taking from his perſon and againſt his will, one watch with the inſide caſe made of metal, and the outſide caſe made of tortoiſeſhell, value 50s. two ſeals made of baſe metal, value 2s. one half guinea, value 10s. 6d. and two ſhillings his property.

JOHN GRANDEDIER *ſworn.*

I was robbed in the rope walks, about half after ten, on the 2d of July, I was going out into Newman-ſtreet, from Queen Ann-ſtreet Eaſt, and the priſoner came up to me with a knife, he preſented the knife to me, and aſked me what money I had to deliver, there were two others with him; I put my hand in my pocket to give him what I had, and one of the other men called me a bloody thief, and told me to deliver all I had, and at the ſame time that man put his hand into my pocket, and took out twelve ſhillings and ſixpence, and my watch, then they all ran away, and I went home.

Did you make no alarm at the time?—No, I did not.

Why did not you give an alarm to the neareſt watchman?—I did not think of it.

Who did you tell you was robbed?——I told Mrs. Brown when I went home, I gave information on Monday at the office in Litchfield-ſtreet; I gave a deſcription to Mrs. Brown, and ſhe gave it to the office; I knew him before by ſight, I knew him at a public houſe that he frequents, the corner of the rope walk.

Did you know his name?—No.

Did you know where he lived?—No, it was about half paſt ten at night, it was a clear night, not moon light.

Did you know him at the time?—Yes, perfectly before he came up to me, I am quite ſure he is the man.

MARY BROWN *ſworn.*

I live in Queen Ann ſtreet, I only know that the proſecutor went out of an errand for his maſter, and in about ten minutes he returned, and ſaid he was robbed.

What is the proſecutor?——He is my huſband's apprentice, my little boy was with him, but he run away, the proſecutor ſaid he knew the perſon that robbed him, it was a man with lank black hair, and a pale face, or at leaſt I ſo underſtood it, for I was very much frightened for the child, he told me he had been robbed, exactly as he has deſcribed it to your Lordſhip.

What age is your little boy?—Ten years of age.

Do you think your little boy knows the nature of an oath?—I do not think he does, I never heard him ſay any thing more than that he was frightened and ran away; he gave no particular deſcription of the circumſtances or the perſon.

ELLIS ROBERTS *ſworn.*

On the Monday after the gentleman was robbed, he came and gave information, he ſaid he knew the man very well; I went with him, and I went to the publick houſe; the proſecutor ſaid he was a pale faced young man, dreſſed in a black coat and waiſtcoat, corderoy breeches, and mourning buckles, the proſecutor ſaid immediately that is the man, he was dreſſed exactly as he deſcribed, he ſaid he ſaw him the Sunday after he was robbed, but he had nobody with him; he had nothing in his pockets but a common penknife.

Did he ſay any thing about what coloured hair he had?—I do not remember, I think he ſaid darkiſh hair.

Court to Proſecutor. Is that the knife?—It was a larger than that to my knowledge.

How came you to deſcribe the perſon who robbed you, if you knew him ſo well, to have lank black hair?—It appeared ſo to me then.

But if you knew him by ſight before that, you knew what colour his hair was before?——He has had his hair cut ſince, it was in curls then, it appeared to me to be black, I never ſaw him cloſe, I am quite poſitive this is the man.

When did the little boy go away?——I do not know.

JOSEPH WAKELEY *ſworn.*

About ten o'clock on Monday morning, I went down with the laſt witneſs, and went

went into the ſkittle ground, and ſaw a man that anſwered the deſcription of the proſecutor; he came with me, and ſaid the man in black was the man that robbed him; I went and took him, and Roberts took him in charge.

Priſoner. I am innocent with what I am charged with, I have people to prove where I was at the time the robbery was done, I have two witneſſes.

Court. Let the other witneſs ſtep to the door while this witneſs is examining.

HENRY KINNERSLEY *ſworn.*

I live in Grays Inn, I have chambers there, I am not of the law, I am a coal merchant, I know the priſoner, he was ſervant to Mrs. Hales, No. 82, Queen Ann-ſtreet when firſt I knew her; I was at Mrs. Hales's drinking tea, and ſpending the evening on which the robbery was, which I believe was the 2d of July.

How came you to recollect it?—When I went again the Wedneſday following, the ſervant told me, good God! poor Jack is taken up for a robbery; and when I went into the parlour Mrs. Hale told me the ſame; I had ſpent the evening the Saturday before, and on that night I believe about ten, I went into the garden or yard; Mrs. Hales ſtables and coach-houſe ſtand in the garden, but no communication to it; I ſaw a light through that window that looks into the garden, I was a good deal alarmed thinking it might be fire or thieves, and I knew that young Mr. Hale and the foot boy were below ſomewhere; I called Mrs. Hale out, ſays I, have you any body in the ſtable, no, ſays ſhe; I immediately went round, and took the preſent foot boy with me, the watch was then going his rounds; I ſtopped and made the boy get a light from a woman in the Mews, and I ſtill ſaw the light in Mrs. Hale's premiſes, all at once it was put out; the watchman was then going ten: I took the key and opened the door, and who ſhould preſent himſelf in black, but the priſoner at the bar, ſays I, good God! Jack, what do you do here, he rather ſeemed to heſitate, I inſiſted on knowing what he did there, he ſaid he was looking for a dog, I told him it was a very improper hour to look for a dog with a light, I believe by this time the watch was going half after ten; the priſoner then came out, and went to a cottage over the way in the Mews, but whether he went in there I do not know; I came back to let Mrs. Hale know, and ſhe then told me that her ſon had juſt told her, he had given him leave to ſleep in the ſtable, in the coachman's room, to ſave a lodging while he was out of place, but that it was unknown to her before.

How old is Mrs. Hales ſon?—Between fifteen and ſixteen, I believe; upon that ſhe was very uneaſy, but I took the watchman and went and examined very carefully, and found all very ſafe; I ſaw no more of the priſoner after he went out to go to the Mews, but that very evening I called there, I ſaid I will croſs the rope walks in going over two men attacked me, and made a puſh at me, and bid me ſtop, and one of them was ſo like the priſoner, that had the priſoner been at liberty, I could poſitively have ſworn to him.

What was that young man dreſſed in?—I do not know, it was a very dark night, he was in a dark dreſs, the man who ſtopped me appeared to have prodigious black hair, I obſerved he was a very black man, but I cannot ſwear to his hair.

Was this young man's hair when you firſt knew him lank or curled?—I cannot ſay, I did not take any notice, he uſed ſometimes to wear his hair curled when he was with Mrs. Hale, but it was oftener lank then curled.

Jury. How far may it be from this ſtable, to the place where this gentleman ſaid he was robbed?——I imagine it is near four hundred yards, you are obliged to come up Queen Ann-ſtreet, and down Ogle Court, and down the rope walk.

Mrs. Brown. Mrs. Hales lives three doors below me.

What clothes was the man dreſſed in when he ſtopped you on the Wedneſday?—no I believe he was in black, I ſprung from him, and gave him his own ſalutation back again,

again, which was not a very gentleman-like one, there were two men.

MARY HALE *sworn.*

The prisoner lived with me and my son four years, and behaved exceedingly well, and had my son been living, he would have appeared in his defence, but he is dead; he looked after the horses, he laid in the house on the Saturday night before he was taken up; he laid in our stables that particular evening, my youngest son saw him about eight o'clock.

Do you remember when he was taken up?—I heard of it about three or four days after he was taken up; the robbery was on the Saturday, and he was not taken up till the Tuesday.

When did you hear he was taken up?——Upon my word, I cannot say, it was two or three days after, I fancy it might be about Wednesday or Thursday, a gentleman came and told me of it, a coach-maker that does our business came and asked me about it, I did not know that he laid in the coach-house.

Was it with your knowledge that he lay in your stable?—No, Sir.

When did you first know it?——That very night, that was on the Saturday, a gentleman that supped at our house went in the garden, and said, there is a light in your coach-house, and he came back, and said, there is Jack there; and then my son said, mother, he lays there. I have frequently entrusted the prisoner with money and drafts. That gentleman was Mr. Kinnersley; it was about half an hour past ten that this happened.

Court to Mrs. Brown. Do you recollect about what time it was that your apprentice was out?—He was not out above ten minutes, I believe it was not above ten minutes under or over half past ten, I cannot be more particular.

Jury to Prosecutor: Was there more than one in black, at the time of the robbery?—No there was not, they had short jackets on, I think one was a butcher.

Have you any means of fixing what o'clock it was when this happened to you?—It was about half after ten, I cannot fix it more near.

How long has the prosecutor lived with you?—Two years.

Do you recollect the person of the prisoner, seeing him at any time as a neighbour?——I cannot say I do.

Court to Prosecutor. Did you know where Mrs. Hales lived?—No, Sir, not then.

Where did you see the prisoner?—At the public house, it was after he had left his place.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. RECORDER.

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731. WILLIAM MASON was indicted for feloniously stealing, on the 29th day of August, one iron saw, called a turning saw, value 6d. and one other saw, value 2s. the property of Henry Clark.

——— HALL *sworn.*

About the 29th of August last, I saw the prisoner take up two saws, and put them under his coat, which I thought belonged to some of the workmen, I called to them, and asked the prisoner how he came by them saws, he said he found them outside of the building.

(The saws produced and deposed to.)

SAMUEL CLARKSON *sworn.*

I know this saw to be mine by being broke and filed round at the point.

HENRY CLARK *sworn.*

Do you know that saw?——Yes, my name is upon it.

PRISONER's DEFENCE.

I found the saws outside the building, two gentlemen see me pick them up.

GUILTY.

Whipped, and taken to the Lord Mayor to be passed to Liverpool.

Tried by the first London Jury before Mr. RECORDER.

732. JOHN

732. JOHN HARRIS was indicted for feloniously ſtealing, on the 12th day of September, one linen handkerchief, value 12d. the property of William Dalton.

WILLIAM DALTON *ſworn.*

On that day, I was going up Ludgate-hill, I ſtood looking at the print-ſhop, preſently I felt ſomebody at my pocket, I turned round and took the priſoner directly with my handkerchief upon him, and charged the conſtable with him.

——— WARREN *ſworn.*

I am a conſtable, I only produce the handkerchief.

(The handkerchief depoſed to.)

Court to Proſecutor. Are you ſure that is your handkerchief?——I am.

GUILTY,

To be twice whipped, and impriſoned one month in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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733. JOHN HAYES was indicted for feloniouſly ſtealing, on the 15th day of July laſt, ſixteen yards of printed callico, value 3l. the property of Mathew Atkinſon privily in his ſhop.

MATTHEW ATKINSON *ſworn.*

I live in Newgate-ſtreet; on Friday the 15th of July, the priſoner came into my ſhop between ſeven and eight in the evening, and enquired for a black ſilk handkerchief, the ſhop was rather crouded with cuſtomers, and I told my ſervant to ſhew him ſome, but not to ſhew them with other goods, the priſoner left ſixpence earneſt on one of the handkerchiefs, and he got to the door and out of the ſhop; he was followed and brought back, and the piece of printed callico which is produced, I ſaw drop down from him; he had nothing to ſay in his defence, he was very much frightened, the callico is mine, it is here, I delivered the property to the conſtable, John Proctor.

JOHN PROCTOR *ſworn.*

I produce this piece of callico, which has been in my poſſeſſion ever ſince.

(Depoſed to, having the ſhop mark.)

Court. What may be the value of it?——Three pounds.

Do you mean that is the ſelling price?——The coſt price, worth it at any time, at any public ſale.

JOHN PANTING *ſworn.*

I am ſhopman to the proſecutor, the priſoner at the bar came into Mr. Atkinſon's ſhop, July the 15th, in the duſk of the evening, he deſired to look at ſome black ſilk handkerchiefs, he went to the other end of the ſhop, and he agreed for a handkerchief, he left me ſixpence, and was to call again, he walked down the ſhop, I walked behind him, and ſomething under his coat appeared rather bulkey, I went to Mr. Atkinſon, and mentioned it to him I went after the priſoner, I purſued him about fifteen yards, and brought him back, and deſired him to enter the ſhop, and as ſoon as he came back, the piece of print dropped from under his coat in the ſhop, as ſoon as he entered.

Where had it laid before he took it?——I cannot ſay, we were very buſy that day.

Did you ſee him take it at all?——No, not at all, I had no ſuſpicion of him till I ſaw it bulkey under his coat.

PRISONER's DEFENCE.

I went to buy a black handkerchief, I ſaid, I would call in about ten minutes, I was going out, and the gentleman came and patted me over the ſhoulder, then he aſked me for the money for the handkerchief, I ſaw a friend that gave me three ſhillings, and I paid him for the handkerchief; I did not think my trial would have come on, I have nobody to my character.

GUILTY, Death.

Tried by the firſt London Jury before Mr. RECORDER.

734. GEORGE REYNOLDS (aged fourteen) was indicted for feloniously ſtealing, on the 29th day of July, twelve men's black hats, value 6l. the property of James Hardy and Thomas Bland, priſily in their ſhop.

The witneſſes examined apart at the deſire of the priſoner.

JAMES HARDY *ſworn.*

My partner is Thomas Bland.

Court. What kind of goods do you deal in?——Hats, on Friday the 29th of July, while my partner and I were ſettling our accounts, the time I believe to be about half paſt nine in the evening, when I happened to leave the ſhop, and went into the compting-houſe, and in about three minutes I heard a moſt monſtrous noiſe in the ſhop I went firſt to ſee the occaſion of it, and found the priſoner at the bar, with two or three other people, who ſaid, they had ſeen him go out of the ſhop with ſuch and ſuch property, and they believed it to be mine, being goods that had been packed up for an order, I knew them immediately, they were my property, they were a dozen of hats of the value of ſix pounds, the priſoner was then ſecured, and in the ſhop; I do not know who found the goods upon him, I know nothing more.

GABRIEL JOHNSON *ſworn.*

On the 29th of laſt July, about half after nine, or rather better, I was going up Cornhill, and I ſaw the priſoner ſtand at Mr. Hardy's door, I thought he was a lad belonging to the ſhop, till I ſaw two others about a yard diſtance come up, and ſpeak to the priſoner, then that gave me a ſuſpicion it was thieves, and I went acroſs the way, and ſtood behind a hackney coach, and in about a minute or two I ſaw the priſoner ſtop himſelf, and go in at the door.

Court. What occaſion had he to ſtop to go in at the door?—I do not know that, my lord; the other men paraded backwards and forwards the mean while; he was in the ſhop, as near as I can gueſs, about two minutes, and I ſaw him come out with two parcels under each arm, two bundles of hats, then he croſſed over the way, and the other men followed him, the other two were men grown, they were a great deal taller than him, as ſoon as he had croſſed over, I went and laid hold of him directly with the property upon him; as ſoon as I laid hold of him, he cried out *Shimerah! Shimerah!* as loud as he could, which I underſtood to be his companions, he ſtruggled to get from me, and my foot ſlipped, and I cried out ſtop thief, for fear the others ſhould come up to take the goods away, and a waterman belonging to the coaches came up, and laid hold of him, and picked up the things, and gave them to me; we took him into Mr. Hardy's houſe, and he was committed, the other two made off.

You are ſure the things that were given to you were the ſame he had under his arm?—Yes, they were never out of my ſight.

CHARLES SILK *ſworn.*

I produce ſome hats, I had them at the upper end of Cornhill; I am beadle of the ward and conſtable likewiſe; I was ſent for about half paſt nine, I had the hats in my cuſtody, and I gave them to Mr. Hardy, and he gave me a charge to take the priſoner to the Poultry Compter; the hats were delivered to me by Mr. Hardy, at the ſhop door, they were ſealed up at Mr. Hardy's, and taken into Mr. Hardy's, and put into a particular room.

Court to Johnſon. Are theſe hats the ſame hats you took with the priſoner?—Yes.

BENJAMIN SMITH *ſworn.*

I am waterman at Cornhill, about a quarter before ten this gentleman called out ſtop thief, by which means the young lad came along with four bundles of hats, I caught hold of him, he dropped them, I picked them up, and delivered them to Johnſon when I ſtopped him, ſays he, I am no thief and he called out *Chauvir, Chauvir.*

Court to Hardy. Look at theſe hats, are theſe the hats that were brought back by Johnſon, when the priſoner was brought

—The

—They are my property, they are my work.

When you went into the compting-house who did you leave in the shop?——Nobody, I had discharged the servants, and Mr. Bland and myself were settling our cash accounts, and was carrying it forwards.

PRISONER's DEFENCE.

I was walking along that night, there was a parcel of men crossing the way to the coach stand, they chucked a parcel of hats down under my legs, and I stooped and picked them up and looked at them, and that man came and catched hold of me, my friends are gone, and my mother did not think I should be tried to day; my mother lives in Whitechapel, and is a chair woman, I live with my uncle at Wapping.

Jury to Johnson. What are you?——A smith, I work in Bagnio-court, Newgate-street, with Mr. Hill, the boy's mother said he would discover who the two persons were that were with the boy.

You happened to be going by that way?——Yes, I was.

Was that your way home?—No, Sir.

Out at work somewhere that way?——No, Sir, I sometimes take a walk in the evening after I have done my work.

GUILTY, Death.

He was humbly recommended to mercy by the Jury.

Court to Jury. Gentlemen, there is one thing that is necessary for me to state to you, that this is not the first, second, third, or fourth time that this boy has been here.

Tried by the first London Jury before Mr. Justice ASHURST.

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735. WILLIAM HOPPER was indicted for burglariously and feloniously breaking and entering the dwelling house of John Hutchinson, Esq; about the hour of one in the night, on the 10th of September, and burglariously stealing therein one iron padlock, value 2d. his property.

JOHN HUTCHINSON Esq; *sworn.*

I have a house in Duke-street, on Saturday night last my house was broke open; about one in the morning my servant alarmed me, by telling me the watchman had taken a thief, and desired me to come down immediately; I come down, and the watchman had custody of the prisoner, who said he had taken the padlock from the outer door, and had wrenched the shutter into another place; as to my own knowledge, I can only say that this padlock was gone; the door was locked, and the shutter was fast, and the outer door the night before at eleven o'clock; it is a place that nobody could go into but myself; he broke through one place, which is through a back yard, called Mason's yard, and that communicates to the place where my property is; there was a door that is broke and the window shutter between that part and the other, and he was in, all but his feet, when the watchman took him; the door was broke, the padlock was taken off it, and the padlock was found in his possession, he took off the padlock, and was got in the first room, and was getting into the second room when he was taken; he got into the second room by wrenching the shutter, and breaking it from the hinges.

WILLIAM FULLWELL *sworn.*

I know the prisoner, and I know the prosecutor's house; I remember the prisoner working for my master at daily work, plaistering, and a little painting, or any thing he required; that morning I was alarmed with the cry of thieves, by the watchmen, and went down, and took charge of the prisoner, and the watchman gave me a padlock that he had taken from the pirisoner.

—— HARWOOD *sworn.*

This padlock I found upon the prisoner, on Sunday morning about one, as I was crying the hour in Mason's-yard, I catched him, and searched him, but no key was to

to be found; the prisoner was creeping in upon his belly, all but his ancles; I was crying the hour down Duke-street, and through Mason's-yard, I saw the prisoner in Mr. Hutchinson's house.

Was he trying to get in at any other door?——That I cannot say, but the hinges were broke, where he was trying to get in, it was a room that contained property, I seized him by the feet, and dragged him out, and then I collared him, and went and alarmed the prosecutor.

Was that padlock on the outside of the door?——Yes, I saw it hang upon the staple at twelve.

Did you know it was locked at that time?—Yes.

Did you try it?—I did, and it was fast then, and at one, when I was calling my round, I found the door open, and the man upon his belly.

Court to Prosecutor. Have you the key of the padlock?——Yes, I have it, but it is at home.

Can you swear to the padlock?——Yes, I am sure it is the padlock that was on my outer door, and I believe my man knows it to be so.

Have you any means of saying that that padlock was fast on the night of the robbery?—I am sure it was in the day, about four to the best of my knowledge.

Fudwell. I remember it being fast in the day, but I cannot say how it was at night.

Had you unfastened it?—No.

Court to Hutchinson. Had you ever unfastened it at any time after, the day you locked the door?—I had not.

Did you fasten it with the key?—I locked it with the key, I left it at home.

About four you say?—I cannot say.

Fudwell. It was about three or four.

Court to Hutchinson. You was saying that the prisoner was all but his ancles in the outer room?——Yes.

By what means could he get into the other room, all but his ancles?——There was a kind of a bit of shutter, and he dragged that in; I cannot explain what the fastening was, it was a kind of a shed, where he was endeavouring to get into the parlour.

Prosecutor. This was a shutter that I fastened at the bottom with two butt hinges on the outside, the top was fastened with a pulley to the rope on the inside, so that nobody can get in at it; and he had forced the bottom of the shutter from the hinge that remained, and part of the shutter, had got that down, and was getting into the back house where my property principally is.

Court. Gentlemen of the Jury, if you are not satisfied of this offence being fully compleat, as it is a capital offence, to be sure it is your province to judge of the case, and as the account that has been given is a very puzzling and perplexing one, you may acquit the prisoner.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice ASHURST.

The next Part will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

736. CHARLES COOPER was indicted for feloniouſly ſtealing, on the 15th day of Auguſt laſt, one linen handkerchief, value 2s. the property of Edward Trelawney.

EDWARD TRELAWNEY *ſworn.*

On Monday the 15th of Auguſt laſt, going along Whitechapel, at the end of Petticoat-lane, I felt my handkerchief go from my pocket, I turned round to my left, and ſaw a ſuſpicious perſon run to the head of the horſes of a coach ſtanding there, then to the ſide of the coach, I ſaw him throw down the handkerchief, I went round and ſeized him by the collar, and endeavoured to get a conſtable, but could not then; I then took him into a ſhop, and ſent for a conſtable, and gave charge of him.

(The handkerchief produced and depoſed to.)

GUILTY.

(To.)

To be twice whipped, and impriſoned one month in Newgate.

Tried by the London Jury before Mr. RECORDER.

737. WILLIAM BARNES and RICHARD SILVESTER, otherwiſe JACK the Gardener, were indicted for feloniouſly aſſaulting Edward Daniel on the King's highway, on the 11th of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one guinea, value 1l. 1s. ſix copper halfpence value 3d. and one ſhilling his property.

EDWARD DANIEL *ſworn.*

On the 11th of Auguſt, between ſeven and eight in the evening, about the four mile ſtone, on the Edgeware-road, I was robbed in a poſt-chaiſe, Mr. Wallis was with me, I was coming from Watford, on coming to the four mile ſtone, I obſerved three men coming along the foot path, and when they came oppoſite the mare, two of them ſtruck right to the mare's head, and the other jumped right into the chaiſe, the laid hold of the mare, and I gave the man a couple of ſtrokes, I thought to have diſengaged her from them, but the other then jumped into the chaiſe, gave me a ſtroke over my arm which hurt me very much, I think he ſtruck me with a cutlaſs, I ſaw cutlaſs afterwards.

Was it drawn or in a ſcabbard?—When I ſaw

I ſaw it, it was not in the ſcabbard; they aſked me for my property, I told them they ſhould have it; I gave him a ſhilling, and he aſked me if that was all, I told him I thought it was enough, ſays he, I muſt have more; he then rummaged one pocket, and found nothing, then he put his hand on the outſide of the other, and took out a guinea; that was the priſoner Silveſter; he then took three pennyworth of half-pence out of my waiſtcoat pocket, and left one penny, and then rummaged every pocket I had, and finding there was no more, he had nothing further to ſay to me; he left me, and came to the other ſide where my friend was that the other man was robbing, who is not taken, and they took four plates that my friend had got in a little baſket, and then they went away.

How long might they ſtay with you altogether?—I ſuppoſe it might be five minutes, I diſcerned the men before they came to the chaiſe.

Had you leiſure to obſerve the men ſufficiently to know who they were?—Quite ſo.

Do you know which they were?—Yes, I am convinced theſe men are the men, I picked theſe men out of fourteen priſoners.

Were they dreſſed as they are now?—Barnes was in a brown coat, and the other was in a drab coat; the one that is not taken put a handkerchief into his mouth, and I am not clear whether Silveſter did or not, but I think not.

Can you recollect which of them was in the chaiſe with you?—Silveſter was in the chaiſe.

When were they taken up?—The next day, I believe one of them was taken up in Wardour-ſtreet, in London, they went acroſs the fields towards Hampſtead as we underſtood.

Mr. Peatt, Priſoner's Counſel. Did you ever ſee either of their perſons at all?—No, Sir.

You was conſiderably ſurprized?—No, Sir, I was not, I never met any thing with ſo much reſolution; I paid my attention to the priſoner, I ſaw his face as clear as I ſee yours.

JOHN WALLIS *ſworn.*

I was with Mr. Daniel in the chaiſe, I have heard the account he has given of the robbery, it was exactly as he has told it.

Then are you equally poſitive with him as to the two men?—No, I do not ſwear to the men, but I ſwear to the key that they took from me.

Was it a light night?—It was ſo light that I ſaw them forty yards before they came to us, but had not the leaſt apprehenſion of their ſtopping us.

JOHN DIXON *ſworn.*

I apprehended Silveſter, I found the key of a piſtol in his pocket, with ſome powder, I took him up on the 12th of Auguſt between three and four o'clock in the afternoon in Wardour-ſtreet, I found a guinea upon him, but Mr. Daniel could not ſwear to it.

WILLIAM PICKERING *ſworn.*

I know no further than what Mr. Dixon has related, I was with him, Barnes was taken the ſame evening, he was loitering about the ſtreet.

Mr. Peatt. What is the reward you are to receive on the conviction of theſe perſons?—I cannot pretend to ſay.

Did you ſuggeſt any thing to the proſecutor, or ſay any thing, or point out the parties?—No, I did not, he went in by his own accord, I did nothing by way of pointing the party out.

Proſecutor Daniel. I hope the gentleman does not impute any thing to me, I never will receive any thing, nor expect any thing.

Priſoner Silveſter. Pleaſe your Lordſhip Mr. Blacketer pointed me out to that gentleman.

PRISONER BARNES's DEFENCE.

I was going along Litchfield-ſtreet, and I went to the Cock, and I was there taken by two of Sir Robert Taylor's men, in about four or five days I was brought up again, and ſworn to for a footpad robbery.

Court to Daniel. I aſk you juſt for the ſatisfaction of the Jury, had you been drinking,

drinking, or was you perfectly ſober?—No, my Lord, I was perfectly ſober.

WILLIAM BARNES, RICHARD SILVESTER, } GUILTY, Death.

Proſecutor. My Lord, from the character I have had of Barnes, till within theſe three months, I wiſh to recommend him to mercy, he has lived in one of the firſt families in the kingdom, which is Lord Salisbury's, and till within theſe three months has behaved very well: I hope your Lordſhip will recommend him to mercy as a young offender.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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738. JAMES BELTON was indicted for feloniouſly aſſaulting William Fletcher in a certain field and open place, near the King's highway, on the 23d of June laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, ſix ſhillings in monies numbered, his monies.

WILLIAM FLETCHER *ſworn.*

I am a gardener, I live at Hampſtead; I was robbed on the 23d of June, rather paſt nine in the evening, I was going home on foot, I was alone, I was ſtopped going down the other ſide of Primroſe-hill, upon the declivity of the hill, going towards Hampſtead, by the priſoner.

Did you know him before?——No.

Did you ſee him before he ſtopped you?——Yes, about 20 yards from me, coming towards me, he and another.

What paſſed when he ſtopped you?——Juſt before he came to me I ſaw ſomething glitter from under his coat, which was a piſtol, he put it to my breaſt, but not quite cloſe, and ſaid, damn you, your money, and your watch; I ſaid, I have no watch, and I had but a little money, and they ſhould have it, but not to uſe me ill; then they aſked me how much I had, I ſaid between ſix and ſeven ſhillings, and I put my hand in my pocket and gave it him, and he put his other hand to look it over, then he aſked me if I had no more, I ſaid I had not, and the other man who was in ſoldier's clothes ſaid, look whether he has got a watch or not, and I ſaid I had not, they might ſearch me, and before that he ſaid *paſs*, and then as he was going away he turned about, he ſays, there are two more men in the hollow, but if they ſtop you, you ſay *bob*; the priſoner was taken up the 3d of July; it was a very fine clear night.

Was it dark?——No, far from being dark.

Did you take particular notice of the countenance of the men?—Exceedingly of this man, but of the other I did not, becauſe of the other man I had not an opportunity, this man held the piſtol to my breaſt, the other man went round me.

Are you ſure that is the man?——I am very poſitive of it.

Did his figure ſtrike you at the time?—Yes, very much.

If you had deſcribed him now when you went home, how did you deſcribe him?—I deſcribed his viſage, a black ſwarthy man, about five feet ten inches, he was dreſſed in a lightiſh coat and red waiſtcoat, but I could not diſtinguiſh what cloth it was, as to his lower part I could not ſee, he had nothing over his face, his hat was flapped.

When you ſaw him ten days after was you ſure of him at that time?——Yes, I was very poſitive of it, as he accoſted me in a very odd manner.

How ſo?——On the 3d of July, as I was going home, I had a great coat on my arm, and a large bundle in my hand, I met him this ſide of the Bunch of Grapes, by Brompton road; there are new buildings there juſt began, I was looking over my hand to the buildings, and he ſaid good cheer, old man! and at the ſame time ſaid, damn your blood, do not be ſulkey.

Had you ſaid any thing to him?——His voice ſtruck me, and I ſtood ſtill, but he did

did not, I says do you know me? and he says, damn you, I know you, and the next time I meet you, I'll do for you; he said I will meet you, and kept on going, and uttered many more oaths that I did not hear diſtinctly, but I never heard any oaths pronounced with ſuch vengeance; I ran home and was quite aſtoniſhed at it, and there was a trembling came upon me.

I thought you lived at Hamſtead?——Yes, but I came to Brompton to ſee my wife, I went and told my wife I had ſeen the man that robbed me; I did not ſtay with my wife a quarter of a minute, then I met two men, and I aſked them to aſſiſt me, and they ſaid they did not like to do ſuch a thing; then I met with a good ſtout lad, I ſent him for a conſtable and bid them follow me; I ſaw the priſoner go into the two brewers, and there I followed him, and the conſtable came in juſt after.

The night you was robbed going towards Hampſtead, was you perfectly ſober?——Yes, Sir, I had only part of a pint of beer.

You never ſaw the man before?——Not to my knowledge; I was not ſo much frightened at the time, only afterwards his telling me there were two men to meet me frightened me, I am clear he is the man.

Mr. Garrow, Priſoner's Council. Now Mr. Fletcher, you are a gardener at Hampſtead?——Yes.

How far may that be from Knightſbridge?——I ſuppoſe it does not exceed ſix miles.

Knightſbridge is not the road to Hampſtead from London?——I did not go by Knightſbridge.

Is Knightſbridge in the road to Hampſtead from London?——No, certainly not.

Now the firſt thing that drew your attention to this man on the 3d of July, was his ſpeaking to you?——Yes, Sir.

Otherwiſe you would not have ſeen him?——No, I did not ſee him till he ſpoke.

That put you into a ſad trembling, that ſame ſwearing bout frightened you dreadfully, even almoſt out of your ſenſes?——It did.

But when you had two ruffians accoſting you, and one with a piſtol, you was not afraid?——I thought by my ſaying no reſiſtance they would not uſe violence.

Court. Was you or was you not afraid?——I certainly was a little, but not ſo much.

Did you tell this ſtory in Bow-ſtreet?——I did.

They took down what you ſaid there, did they not?——They did not take down all.

Did they take down any thing about Bob?——Yes.

Then it is not here, not a word now ſee about Bob? *(looking at the examination.)*——I am very clear there was.

Who laid hold of this man?——The beadle is here.

Do not you know that the beadle left him at liberty till the next day?——I do not know that.

Have you never heard that from the beadle?——No.

Have you enquired who this man is that is at the bar?——No, no farther than the account that he gave of himſelf.

Have you ſearched his lodgings?——No; he had a red waiſtcoat on, and his voice ſtruck me firſt.

What day of the week was you robbed on?——Thurſday, it was a very light night, the moon was at the full the day before.

Now recollect whether the moon roſe earlier than eleven that night?——Yes.

You will ſwear that it was up, and ſhining at the full?——Yes.

You never ſaw this man before?——Not to my knowledge.

What ſhould you think about it if I was to call you ſix people to prove he was in another place?——I could not believe it.

I believe theſe twelve gentlemen will, and that will be a better thing.

——— VAUGHAN *ſworn.*

On Sunday morning this man came to the two brewers at Knightſbridge, and charged the landlord to take up the priſoner, whom I knew very well, he ſaid I have no-

thing to do with prisoners; what is the matter, says he, he has robbed me? then says he, you must get a constable, says he, take hold of that man; what man says I, what Belton? there the man stands, I know him very well, I laid hold of him, and we went before Mr. Justice Gilbert, the same day, and he was committed, then Mr. Belton said, I should be glad not to go to prison, let me lay at the public house, or at the constable's house; says Mr. Gilbert, I have committed you, but if the constable and you can agree, I have no objection, so we went and had a pot of beer, and I took him home to my own house, and kept him all night, and the next morning I took him before Sir Sampson Wright; I have known Mr. Belton for two years, he is a shoemaker at Knightsbridge, he lived along with Mr. Silvester a shoemaker.

Court. What Silvester is that?

Mr. Garrow. He is here my Lord, it is not the man that was tried to day, we all know there are good men of that name, as well as bad.

Mr. Garrow to Vaughan. I see you was astonished when the man made a charge against Belton?—I said which is the man, there were but two sitting in the box, that was him and his man.

Was the prisoner an honest hard working man?—I knew his wife.

RICHARD ANGEL *sworn.*

I am a shoemaker, I worked for the prisoner, on the 23d of June he was at work from the hour of seven in the morning, till eight at night, we worked together at the shop in Curzon-street, May Fair; Lord Aylesbury's people were going out of town, and they asked us to spend the evening with them, and we were there till past eleven, the names of these servants are James and John; I am sure that was the day, I do not recollect the day of the week, my master was taken up on the 3d of July, on Sunday morning; he never was out of his work for six months, but to the leather cutters and back again.

Court. What fixes this 23d of June in your mind?—Because when my master was taken up, he said it was last Thursday se'nnight that he was robbed, he said he had a good mind to swear to me, he said he could not, but if I had soldiers clothes on he would swear to me.

Where does Lord Aylesbury live?—In Seymour Place, May Fair.

—Do you work for Lord Aylesbury's servant's?——Yes, in the mending way.

JAMES HOLT *sworn.*

I was servant in June to my Lord Aylesbury, I am so still, I am his coachman; I know the prisoner, on the 23d of June, he was at my Lord Aylesbury's stables, with me and my fellow servant, a little before nine in the evening, and staid till past eleven, he came on purpose to wish us a good journey, we were packing up to go out of town, I am sure it was the 23d of June, because it was the evening before we went out of town, I am very sure of that upon my oath.

Was Angel with him?—Yes.

Was John Boston there?—He was.

Is Lord Aylesbury in town?—No.

JOHN BOSTON *sworn.*

I lived in my Lord's service, on the 23d of June, the prisoner was at my Lord's stables from nine till a little after eleven, we were going out of town the very next day, I am sure it was the night before we went out of town, I am likewise sure it was from nine to eleven; Angel was with him, I have known him for three quarters of a year, he works just by our stables, I have seen him every day, he is a hard working honest man as ever I knew.

JOHN SILVESTER *sworn.*

I am a cordwainer, I live at Jamaica wharf, Christ Church, I have known the prisoner two years and upwards, he is a cordwainer, he has the best of character for honesty, sobriety, and industry.

Was he a man that worked at his bu[si]

ness, or was he an idle good for nothing fellow?——I never knew him to lose one day while he worked for me.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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731. AMOS ROWSEL was indicted for burglariously and feloniously breaking and entering the dwelling house of Richard Spicer, about the hour of one in the night, on the 27th day of June last, and burglariously stealing therein, one silver watch, value 40s. one gold seal, value 2s. one base metal key, value 2d. two iron keys, value 6d. two pounds weight of tea, value 2s. one handkerchief, value 6d. one hundred and twenty four copper halfpence, value 7s. 4d. and thirty shillings in monies numbered, his property.

RICHARD SPICER *sworn.*

I live at Endfield, on the 28th of June last, about one in the morning, I heard a noise in my house, I got out of my bed, and a man was undoing my bureau, at my bed's feet, and I seized him directly, and we had a scuffle together, and he rushed away from me, and ran down the yard.

Had you any light in the room?——No light.

How did you see him then?—I followed him, see him I could not, I did perceive him, but not to make any thing at all of him, we had a scuffle, he run out of doors, and I after him, and caught him at the bottom of the yard, and there we had a long scuffle, he was rather the best hand in getting over the pales, and I tore the skirt of his coat off, which is here; after the coat began to tear, he swore he would kill me, and he turned himself short about, and I perceived his features, and I knew him; he was on the other side of pales in a ditch, and he looked up at me, then I knew him perfectly well, he used to use my shop, I keep a chandler's shop; when the coat tore he got away, he was taken I believe the Sunday following; I found this pound of tea without the door, tied up in a handkerchief, and on that side of the coat which I pulled off, were between seven and eight shillings in halfpence, I found nothing else upon him, but I lost my watch, and about forty shillings in silver, the silver was in the next till to the halfpence, and my watch was in my pocket, and the key of my bureau; in my breeches pocket, which lay in a chair by my bed side; I never found my watch again.

How did this man get into your house?——He got in at the window, and undid the door, he took a pane of glass out, and took off the casement; the house was all fast when I went to bed, I am always the last up, I went to bed about ten, I saw all the doors and windows fast myself.

What family have you in the house?—None but a little girl fourteen years old; two quarries of glass were taken out first, but there was a shutter prevented him there, and then he came round backwards; I am sure to the man, quite thoroughly satisfied it is the man; it was not moon light, but bright star light.

Can you undertake to say positively that this was the man, when he was on one side of the pales, and you on the other?——I had the fuller view of him.

Had you lost any halfpence?—Between seven and eight shillings worth.

Did you find the silver?——No.

Was the till locked?——Yes.

Was it broke open?——He had got the key, that key was laid between two drawers upon the right hand behind.

JAMES SHAKESHAFT *sworn.*

On Tuesday the 28th of June, Mr. Spicer came and gave information that he had had his house broke open, and gave me a description of the person that had broke it open, and I received some private information where I could meet with him, and on the Sunday morning I saw the prisoner coming through the turnpike at Stamford Hill, I waited till he came to cross the Green, to come to the house where I was informed; I seized him, he struggled, and my brother officer came up, and we secured him,

him, and then took him to Newington, and ſearched him, and upon him I found theſe two keys, which Mr. Spicer has ſworn to be his; I went down laſt Sunday morning to Mr. Spicer's houſe, and this key opened his bureau, and this key the till; I took this purſe, and eleven ſhillings in ſilver, and ſome halfpence, and ſome dice upon him; I put the priſoner in a parlour amongſt a many more people, and Mr. Spicer came and picked him out directly.

(The keys depoſed to by the Proſecutor, having had the key of the bureau theſe twenty years, and being a very remarkable one.)

HENRY BAMFORD *ſworn.*

I was preſent when Shakeſhaft took the priſoner, I ſaw the keys taken from him.

JOHN CARTER *ſworn.*

I know the priſoner was from his lodgings that night, he was my lodger, he uſed to come in at nine or ten o'clock he never came in any more.

WILLIAM DOWN *ſworn.*

I know no more, than the priſoner was abſent from his lodging that night, I only knew that, and to the beſt of my knowledge, that is part of the coat, that he wore at the time he laid with me *in one bed*, he ſet up in the bed, and I along ſide of him in the bed, when I ſaw him, I ſaid, that is the man that lay with me at Carter's *in one bed.*

WILLIAM HAYES *ſworn.*

I am a watchman at Tottenham, on the 28th of June, as I cried the hour of three the priſoner came by me in his ſhirt ſleeves, he was without a coat and a white waiſtcoat, and Mr. Spicer came up in about half an hour afterwards, and aſked if he was gone by, he aſked me about him whether I had ſeen ſuch a man go paſt.

Priſoner. It is well known that I never had any other waiſtcoat than this, ſince in the country I have been.

Court to Proſecutor. Were the halfpence you found in his pocket, looſe?——Yes, they were looſe in the till.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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740. ALEXANDER ELDER was indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of Mary Warren, ſpinſter, on the 19th of Auguſt laſt, about the hour of nine in the night, and burglariouſly ſtealing therein, one linen ſopha cover, value 4s. three linen waiſtcoats, value 30s. nine linen ſhirts, value 4l. two linen table cloths, value 10s. two linen window curtains, value 6l. five linen chair covers, value 40s. one pair of nankeen breeches, value 10s. and one cotſtocking, value 2s. the property of John Hankin.

(The witneſſes examined apart, at the requeſt of the Priſoner.)

SARAH HANKIN *ſworn.*

About nine or a few minutes after, went out and locked my room door, I a lodger, I am a married woman, I liv in Tottenham ſtreet; I had been goo about ten minutes, when I returned I hear a noiſe in the room, there were other peo ple in the houſe, it is let out in tene ments, I have the firſt floor.

Who is Mary Warren?—She rents th ground floor, ſhe has nothing to do wit the firſt floor, a perſon ſaid ſhe thoug there was ſomebody in my room; we bot came out into the paſſage, and ſhe calle out John, but nobody anſwered, and the ſhe went half way up ſtairs and met th priſoner with a bag of linen, ſhe called t to ſtop him, and I caught him by his co I held him with one hand, and my child the other, till he got into the ſtreet, a there he got from me; he was taken in few minutes after, and brought back, wh

he was brought back, there was found upon him one ſopha cover, three ſhirts, two waiſtcoats, and one ſtocking; when one of the witneſſes pulled the things out of his pocket, he threw ſome that way, and ſaid, here Madam, here is your things; I heard him ſay nothing elſe in my apartment.

MARY WARREN *ſworn.*

The priſoner came to the houſe, I heard a noiſe up ſtairs as if ſomething fell, I went to go up ſtairs, and I heard a door locked, and a key taken out, ſo I ſaid I will ſee who it is, if it is the devil; I ſaw a man on the ſtairs, he ſaid he had been to ſee an acquaintance of his in the garret, and he put down the bag on the ſtairs from his ſhoulders, I ſaid he was a thief; I did not examine the bag, there were ſopha covers, chair covers, window curtains, and ſhirts, and waiſtcoats, and a number of different things belonging to Mr. Hankin.

CHARLES HOVENS *ſworn.*

On the 19th of Auguſt, I was ſtanding at my ſtable-door between nine and ten at night, and I heard a cry of ſtop thief, I ran into the mews, and I ſaw the priſoner run out of the rope-walk, and I took him with theſe things upon him; I took him back to Mr. Hankin, I ſaw the things taken from him, I marked them again myſelf, I ſhould know the mark again.

(The things produced that were found on the priſoner.)

Court to Hovens. Are theſe the things you found on the priſoner?——Yes.

Court to Mrs. Hankin. Are theſe things your property?——They are linen I had to waſh, I am ſure of them; I am ſure the priſoner is the ſame man I met at the bottom of the ſtairs, I never ſaw him before.

THOMAS JONES *ſworn.*

I heard the cry of ſtop thief, I went to the door, I ſaw ſeveral people running to the end of the ſtreet, where there is a gateway that leads into the rope-walk; I overtook the priſoner and brought him back to the room of the proſecutor, and there were ſeveral things in his pocket which I ſaw taken away from him.

PRISONER's DEFENCE.

I had a direction to enquire for a man that owed me ſome money, and I believed that to be the houſe, I went up ſtairs, and kicked againſt ſome things in the dark, and I took them up with intent to give them to the people of the houſe, I aſked the gentlewoman what things they were, ſhe ſaid you are a thief, that ſtartled me, and made me run; the gentlewoman ſwore that the door was locked; had I been in the room I ſhould not have ſtaid to lock the door.

Proſecutrix. I tried the door, and found it was locked, and I pulled out my key and opened it as uſual, only that I had double looked it with my own key when I went out, and then it was ſingle locked.

ROBERT GAINS *ſworn.*

I live in Bow-ſtreet, Bloomſbury; I have known the priſoner for above five years, he is a taylor by trade, I have had large dealings with the man, a very honourable man in his payments, ſeveral people have been here to his character.

Priſoner. I was coming down ſtairs, the gentlewoman was never up one ſtair, therefore it was impoſſible for her to ſee this bag; I had no things in my pocket, it muſt be a very uncommon pocket to put ſuch things in, I never ſaw the bag till the light came.

Court. Gentlemen of the Jury, this does not appear in any ſenſe to be the dwelling-houſe of Mary Warren, the whole houſe being let out in different tenements.

GUILTY

Of ſtealing, but not in the dwelling houſe.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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741. THOMAS SMITH was indicted for burglariouſly and feloniouſly breaking

and entering the dwelling-house of Robert Rudd, about the hour of two in the night, on the 16th day of July last, and burglariously stealing therein one silver tea spoon, value 1s. a lawn handkerchief, value 1s. and one pound weight of ham, value 6d. his property.

The witnesses examined apart at the prisoner's request.

ROBERT RUDD *sworn.*

I live at St. Mary, Stratford-le-bow, my house was broke open on Sunday the 17th of July last, I found it broke open when I came down about four o'clock in the morning; I and my wife were up last the night before, and I saw all secured as usual when I went to bed, which was about ten; a little before four I awaked, and my little girl who lays in a little bed by herself, says *da*, there is somebody below stairs, I heard the foot of a man; immediately I got up an end in the bed *to awake myself, and rubbed my eyes to be sure I was awake*; in about five minutes I heard something go, I believe it was the lock of the foredoor, that caused me to get up, I went down in my shirt, I had a loaded pistol on the mantle-piece, I went down stairs, and saw by the light through the crevice, that the house had been broke open, it was then day-light, I saw by the light that the window had been open, I unbolted the stair foot door, and that minute I saw the prisoner jump out of the window of the back kitchen; I just saw the back part of him, I turned directly, and I said to the prisoner, what you are there, you rascal, I have got you, have I? he directly pointed a pistol at me, which terrified me, being in my shirt, as it would any man, I suppose, *with the heart of a horse*; immediately I run from the window, as another man I suppose would do in my situation, he jumped into the window after me, I said for God's sake do not shoot me; but b—r my eyes, says he, if I do not, he snapped the pistol at me, but it did not go off, I believe it was not loaded; when I turned myself round, I saw the fire flash from the pistol, and it did not go off; I immediately caught hold of his collar, and up with my fist and knocked him down on the floor, I believe he and I were upon the floor for four minutes, and he cutting me over the head in twenty places with the pistol during the time, and I wrenched it out of his hand; I believe I lost two quarts of blood that morning at the least, he then turned round and jumped out of the same window that he came in at; while we were upon the floor, I cried out murder, murder to my wife, and said, bring down the loaded pistol from my apartment; she opened the window, and cried out murder, I immediately opened the door, and saw where he chucked this pistol, I run down our court in my shirt, as I was to alarm the town, I pursued *the gentleman* the back way, I run up to the Black Swan corner, after that I gave information of *the gentleman* to every person I saw, and at last I was coming home and I met a man who said he is caught; he was taken in about four or five minutes; I am sure he is the man, I have no doubt but he is the man; this is the pistol, I believe it was not loaded, except the balls and powder dropped out, it appeared to have been loaded; I lost one silver tea-spoon, one muslin handkerchief, and a pound of ham *the gentleman wanted for breakfast*; they were found in the garden all but the silver spoon, which was found upon him, there were two or three large spoons if he had looked where they had been.

Prisoner. You are positive I am the man?—I am sure of it.

ELIZABETH RUDD *sworn.*

My little girl heard a noise, my husband went down, and after he went down I heard him say, what are you there, I have got you at last, and I thought it was a cat that I had fastened into the house, and I heard my husband say, for God's sake do not shoot me! but what the prisoner said I cannot tell, then my husband called out murder! murder! bring down the pistol; I threw up the sash, and called out murder! then I came

I came down ſtairs, and the priſoner was going out of the back window: I ſaw the man, and very well know the priſoner to be the man; he was as near me as I am to your lordſhip, there was a good light, his back was towards me then, I never ſaw his face, he never was out of ſight. I know him to be the ſame man by the dreſs, he had his hair tied behind with a bit of ſtring, and a brown coat and ſtriped trowſers: he was taken to the watch-houſe, and brought back; there was one ſilver tea ſpoon, one morning handkerchief, a piece of raw ham, and this knife he took to the window, that I ſcrape the gridiron with.

WILLIAM PARROTT *ſworn.*

On the 17th of July in the morning, ſometime about the hour of four or ſomething after, I cannot tell particularly the time, being in the room where I lodge, I heard a great cry of murder in the next houſe, I live next door to the proſecutor, I run down ſtairs as faſt as I could, and got into the back yard adjoining Robert Rudd's yard, and there I ſaw upon a little ſhed in Robert Rudd's yard, the priſoner making up the ſhed to a high wall, ſeeing him all over blood, I thought there muſt be ſomething extraordinary, and hearing Mrs. Rudd ſay ſomething I purſued him over the ſhed up the wall; I never loſt ſight of him, only ſo far as when he jumped over a wall, the wall hid him till I got upon it; I immediately purſued him as faſt as ever I could, I thought he got the advantage of me, but at laſt I took him, after a conſiderable ſtruggle, and William Weſt came up to aſſiſt me.

WILLIAM WEST *ſworn.*

I live at Bow, next door but one to the proſecutor's; I heard the cry of ſtop thief! between four and five in the morning. I ſaw Mrs. Rudd looking out of window, and crying murder; ſhe told me which way the priſoner was gone, and I followed him; when I firſt ſaw him, he was down, and William Pe rot atop of him, keeping him down, and I helped to take him; at the time I had him againſt the door, there was a teaſpoon lay beſide the pale, where he had been, at Nooke's, at the back door.

Is there any body that ſaw him drop it?—No, Sir, I believe not, but it was cloſe by the priſoner.

(The ſpoon depoſed to.)

THOMAS BARNETT *ſworn.*

On the 17th of July laſt, in the morning between four and five o'clock, juſt turned of four, my wife waked me with the cry of murder, I dreſſed me and went down; I went up the court where the proſecutor lives, which is behind my houſe, I found the proſecutor's door open and nobody in the houſe, but I found a hat half full of blood, which was the priſoner's hat, as he owned before the juſtice, and it was in the proſecutor's fore-room below ſtairs, I took this knife from him, which the proſecutor's wife owned.

PRISONER's DEFENCE.

I was going to Stratford, and coming through Bow, I heard a great noiſe, and coming acroſs the field this man ſeized me, and ſaid I muſt go with him, he knocked me down, and cut me over the head.

GUILTY.

Of ſtealing, but not of the burglary.

Court to Priſoner. You have been fortunate in the circumſtance which, in point of law, intitled you to be acquitted of that part of the charge of this indictment which would have affected your life, in which the jury had thought themſelves warranted in a general verdict of guilty; for your conduct was ſuch, it would in all probability have excluded all hopes of mercy from your ſovereign, and certainly as far as depended on me I ſhould have thought you moſt clearly a perſon proper to be made a public example of; for you were not only guilty of the moſt atrocious offence, but after the fact committed, and when you had an opportunity of making, or at leaſt attempting to make your eſcape, not content with that you returned again, and, as far as lay in you, endeavoured to deprive the proſecutor

profecutor of his life: under theſe circumſtances therefore there could not be a more fit example of public juſtice than you; but the jury have juſtly and rightly acquitted you of that part of the charge, and I am perfectly ſatisfied with their doing ſo; for however atrocious the crimes of offenders may be, it is our duty to adminiſter the law with mercy and juſtice; but I cannot do my duty to the public, without paſſing the ſevereſt ſentence upon you that the circumſtances of your caſe will admit, which is, that you be

Tranſported to Africa for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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742. EDWARD GLYDE was indicted for feloniouſly ſtealing on the 8th day of April laſt, two iron bars value 20s. one iron horſe, value 5s. and two iron bolts, value 3s. the property of William Hill and John Taylor.

JOHN TAYLOR *ſworn.*

I am partner with Mr. Hill, I loſt the things mentioned in the indictment, I only ſpeak to the property, which I ſaw at Juſtice Green's.

WILLIAM ELBY *ſworn.*

I am conſtable of the night; about two in the morning going down Gravel-lane, I ſaw two men on the other ſide of the way, I ſtopped Grubb, the other eſcaped, it was very dark, I took up the priſoner ſome time after, I took him in April; I know nothing againſt him, only I apprehended him on the information of the evidence, his name is William Marſh.

RICHARD MITCHELL *ſworn.*

I am a watchman, about two in the morning, on the 8th of April, I heard the noiſe of gingling of iron, and I ſaw the priſoner at the bar, and the evidence here, whoſe name is William Marſh, ſtanding at a little diſtance, and I paſſed between them, I walked about ten or a dozen yards, and I ſaw ſomething lay, which I thought was a boat-hook, I ſtruck it with my ſtick, I ſounded it, and it was iron; I went a little further, and I ſaw ſome more iron laying, theſe two bolts that are here, I came back from that place, in order to call my brother watchman, and while I was going to call him the priſoner and the evidence made off, when I returned, the firſt plate of iron was removed.

WILLIAM MARSH *ſworn.*

Court. Now you know you are upon your oath, do not add one ſin to another, but take care to ſay the truth, and nothing more.

Was you in company with the priſoner on Tueſday the 8th of April in the morning?—Yes.

Was you there when the watchman Richard Mitchell came up?—Yes.

What was that iron that was there between you and the priſoner?—Two long bars, a horſe, and two bolts, this iron was taken from Mr. Hill's ſhop.

Who took it from there?——Edward Glyde, and I, and John Grub.

What time of night was that?—Between twelve and one the ſame night.

How did you get into the ſhop?——At firſt we did not know which way to get in, but at laſt we ſaw a weather board blowed down, and we got in there.

Where was you carrying this iron?—To New Crane.

Did you carry any part of it?——Yes, one long bar, John Grub carried the reſt.

What did the priſoner do?—He ſtood in the boat.

(The iron produced.)

Profecutor. The bar is made in ſuch a manner, there is hardly ever a bar made like it, I never ſaw one, I have been in buſineſs fourteen or fifteen years, I am perfectly sure it is my bar.

Mr. Pratt, Priſoner's Council. You do not manufacture this bar iron yourſelf?—No not in bars.

I ſuppoſe a great multitude of them are made?—Yes.

There is one general and common mark?—Yes.

Priſoner. I leave it all to my council.

The priſoner called ſix witneſſes who all gave him a good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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743. JAMES MOSDELL was indicted for feloniouſly aſſaulting Mary, the wife of William Warwick, on the King's highway, on the 19th day of July laſt, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one ſhilling, and one counterfeit ſhilling of no value, and eight copper halfpence his property.

(The witneſſes examined apart at the requeſt of the priſoner.)

MARY WARWICK *ſworn.*

On the 19th of July laſt, about half after ten at night, I was going to Old-ſtreet-road, towards Shoreditch, juſt on the other ſide of Mr. Calvert's houſe, I was ſtopped by two fellows, the priſoner at the bar is one; the priſoner and the other came up to me; the priſoner had a knife in his hand, he bid me ſtop and give him my money, or he would cut me down; I told him it was not worth his while to ſtop me, for I had very little money in my pocket, he inſiſted upon my giving him what I had, or he would cut me down; I put my hand into my pocket, and pulled out ſome halfpence, and then a ſhilling, he told me it was not all, I told him it was; then they both turned from me, and he bid me go quietly about my buſineſs; before he ſtopped me, I had only two good ſhillings, and a bad one, and ſome halfpence, and when I came to look in my pocket, I miſſed a good ſhilling, a bad ſhilling, and four pennyworth of halfpence.

Did you know the priſoner's perſon before?—No.

Was it light enough for you to be ſure of the perſon of the priſoner?—Yes, it was, and I am ſure the priſoner is the perſon that demanded my money, with a knife to my face, and ſwore he would cut me down twice; I purſued them, and called ſtop thief! and a young man came up to my aſſiſtance, and aſked me what was the matter, I told him, he ran after them, I could not have ſworn to the other, but my eyes were ſo fixed upon this, by his holding the knife to my face.

JONATHAN TODD *ſworn.*

On the 19th of July laſt, the proſecutrix applied to me, and ſaid ſhe was robbed, I was about ſix yards off, and ſhe cryed ſtop thieves, they have robbed me; I immediately turned and ran after them, they ran about fifteen or twenty yards, one of them was taken in my ſight, by one Kinchin, the other got off.

RICHARD COLLINS *ſworn.*

Coming down Old-ſtreet-road, I heard the cry of ſtop thieves, I ran after them, they ran on the other ſide; Kinchin took the priſoner by the collar, and I got hold of him.

STEPHEN KINCHIN *ſworn.*

On the the 19th of July laſt, I was ſitting in the City-road, at the round houſe door; I heard the cry of ſtop thief, I ran into the middle of the road, and a young fellow with me that I was talking to; I had a ſtick in my hand, I ſaw the priſoner running, he came paſt the young fellow, and I ſtruck at him with my ſtick, and received part of the blow on my chin; I caught him by the collar, and turned him quite round, he ſaid I am not the man, I am running after the man; I ſtopped him, and the proſecutor and ſome more came up, and one came up and ſaid, you are the man that ran from the man, and I held him faſt, the proſecutrix ſaid he was the man; I had not the preſence of mind to ſearch him.

Priſoner. I am quite innocent of the

affair, my miſtreſs I work for told me to go to the Angel in Old-ſtreet, to look for a man to work, I went and had two pints of beer, and delivered my meſſage, coming along about half paſt ten, I heard the cry of ſtop thief! I ran, and I was ſtopped, and another man as well as me, he is here now.

JOHN CROWDER *ſworn.*

I keep a cane ſhop, I never knew the priſoner, I was ſitting in my own houſe, which is nearly oppoſite to where he was taken, and I heard the cry of ſtop thief! and I ran immediately into the middle of the road, there were ſeveral people running, I ran as well as the reſt; I was laid hold of for the thief, and immediately after, that ſame perſon ſaid they knew me, I was releaſed, I went to the watch-houſe, the woman ſeemed rather much *fluſtrated*, and they aſked her what ſhe had loſt, ſhe ſaid ſhe could not poſitively tell; the next morning I went to hear the priſoner's examination before the Juſtice, and when I came there, there were ſome witneſſes ſwore this was the perſon who committed the fact, then the Juſtice aſked her if ſhe was ſure this was the perſon, and ſhe ſaid yes, he ſaid ſhould you know the other, and ſhe ſaid ſhe could not know the other if he was by her; after he was committed, there was a young man that works for me leaning upon the table, and ſhe went and looked under his hat, and ſaid this is the other man that robbed me, I ſaid are you ſure he is the other, ſays ſhe, if he is not the other, he is one of their companions; ſays I, madam you muſt be a very baſe woman to ſay ſo, when he was at the ſame time at quite a different part of the town, upon that ſhe held her tongue.

RICHARD ATWOOD *ſworn.*

The priſoner ſerved his time to me, an honeſt worthy young fellow as ever broke *the world's bread*; he was at work the day of this accident, and for weeks before, he had a ſhilling of me about half after eight that evening, I am a whiteſmith.

The priſoner called nine more witneſſes, who all gave him a very good character.

Jury to Proſecutrix. Were there any lamps about you that night?——Yes, there were, and as for Crowder never ſpoke to me in his life.

Kinchin. No, Mr. Crowder is wrong there.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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744. THOMAS MEAD was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Richard Barker and John Winter, about the hour of twelve in the night, on the 28th day of July laſt, and burglariouſly ſtealing therein, one ſilver watch, value 4l. one ſteel chain, value 6d. two ſeals, value 6d. and one braſs key, value 2d. the property of George Geddies.

GEORGE GEDDIES *ſworn.*

I know Richard Barker and John Winter, they are leſſees of the turnpike gates, they two have a houſe at Holloway.

Who lives in that houſe?—Every man according to his turn while he is on duty; on the 28th of July I was there, it was my night, I miſſed my watch about one in the morning, there was another beſides me, the doors and windows were done, I locked the door myſelf and put the windows in.

What time did you go to bed?—About eleven.

When did you awake?—About one.

What did you miſs?——I went to look what it was o'clock, and I miſſed my watch the priſoner came to the door, he called, and I let him in, the door was faſt, I opened the door, and aſked him where he was going ſo ſoon in the morning, he ſaid he had been in the fields to fetch his horſes up, and I told him I had loſt ſuch a thing, and he aſked me what I meant by that, then I ſaid my watch and he d——d his eyes, and aſked me if I thought he had got it, and ſaid he would ſtrip all his clothes off, and let me ſearch him, I ſaid ſomebody had got it

He

How was the window faſtened?——By a bolt on the inſide.

Where was the key over night?——On the inſide, on the table, when I opened the window I found a pane of glaſs had been taken out, the lead had been undone by a knife, or ſome inſtrument, then he went away, and I took him up on the 1ſt day of Auguſt, with the officer; we did not find the watch upon him, but he confeſſed he was the man that took it.

What was ſaid to induce him to confeſs?—It was the officer that talked to him.

What did he ſay?—I do not know.

Did you know him before?—He lived ſervant with Mr. Hickman, the houſe is the turnpike houſe.

Is there more than one room?——There is a cellar below.

Where was your watch?——Hanging on a nail.

THOMAS ISAACS *ſworn.*

I received information from Mr. Geddies that the houſe had been robbed, he ſaid he had a ſuſpicion of a lad that worked along with Mr. Hickman, accordingly I went down to Holloway, and apprehended the priſoner, ſays I, my friend, you muſt go along with me; for what, ſays he; ſays I, do you know this man, which was Geddies; Oh! ſays he it is about the watch; I meant to take it back again; ſays I, where is it.

He ſaid this to you without your ſaying any thing to him?——Without any thing at all, he fell a crying, and went and ſhewed me where it was; it was hid up in the hay loft of Mr. Hickman's houſe at Holloway; here is the watch, with the proſecutor's name upon it.

(The watch depoſed to.)

EDWARD STONE *ſworn.*

On the 28th day of July I ſaw a gentleman's carriage at the gate, this boy let it through, being one of the patrol belonging to Bow-ſtreet, I thought it would be well to take notice of what was upon the road; the boy went to the window and put his head in, and put the key in; this was at the time that the gentleman's carriage had paſſed on, it might be a minute, the turnpike gate was not open, nor anybody there but two ladies that got out of their carriage, he then went to the window, and put his hand in, as I ſuppoſed with the key, and ſhut to the window; at about two minutes after I heard a carriage coming along, it ſtopped again, the boy went and put his head right in, and took the key and let the ſtage coach through, and I heard the ſtage coachman ſay, here boy, where is the turnpike man, here is ſix-pence, and if you do not keep it you ought to be d——d; he opened the gate and let the ſtage through, after the gentleman's carriage had gone through.

Court to Proſecutor. Why I thought you always faſtened the gate at night?——It was faſtened.

How did this boy get in?——Why he came in at the window, and took the key and went out of the window again, there was no ſpring key of the bolt belonging to the window.

Stone. The priſoner then went to the window again, but what he did I do not know.

When you ſaw him twice go to the window, did you ſee him open the window?—I ſaw him open the window and take out the key of the gate.

PRISONER's DEFENCE.

On the Thurſday night my maſter ordered me to get up very forward in the morning, and be at market about five, without fail, I went to bed, and waked in the middle of the night, and brought up my horſes, the proſecutor let me through, as I was running along after the horſes I ſaw ſomething lay white, and I turned round and picked it up, and it was this watch, I did not know what to do with it, I thought one would own it, and another would own it, and I know there is a great many bad ſort of people about, and I thought I would wait for the advertiſer for it;

it; I enquired every day in the papers, on Monday night this gentleman came to me, and asked me if I had it, I told him I had, it was at my master's, and I went and fetched it out of the hay, then he told me he was an officer, and he would have me to gaol.

GUILTY

Of ſtealing to the value of 39s. *but not of the burglary.*

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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745. WILLIAM HANDS was indicted for feloniouſly ſtealing on the 18th day of Auguſt, one linen handkerchief, value 2s. the property of Edward Trelawney, Eſq; privately from his perſon.

EDWARD TRELAWNEY, Eſq; *ſworn:*

On Thurſday afternoon, the 18th of Auguſt laſt, as I was paſſing down the back lane leading towards Stepney-fields, I put my hand into my pocket to feel for my handkerchief, I miſſed it, I immediately turned round to take notice if any perſon was near me, I did not obſerve any but a gentleman on the oppoſite ſide of the way, and I thought by his holding his fingers up to his noſe, he knew ſomething of it, I was going to croſs the way to him, and I obſerved the priſoner at the bar run out of an alley, I purſued him through ſeveral alleys, through two houſes, and ſeveral turnings, during the purſuit he dropped my handkerchief in the kennel, I picked it up and followed him till he took ſhelter in a houſe.

What do you ſuppoſe it to be worth at the time it was taken?——I do not know, it coſt me three ſhillings, I am not acquainted with the value of old handkerchiefs, I ſuppoſe it is not material.

But it is material?—Then if it is material, I wiſh to value it as low as poſſible; I only come here to do juſtice to my country; I wiſh to exerciſe the feelings of humanity at the ſame time.

Priſoner. The gentleman cannot ſwear I picked his pocket, I was playing with ſome other boys.

Proſecutor. He ſaid before the Juſtice he lived at Brentford, he was playing at hoop; he appeared in a very indifferent ſituation, I gave him ſix-pence at the time, and I gave him ſix-pence after he was committed.

Court. Gentlemen of the Jury, If the indictment had been proved as laid, it would have been a capital offence, for if you find him guilty of privately ſtealing from the perſon to the amount of more than a ſhilling, it would exclude the benefit of clergy.

GUILTY, 10d.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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746. FRANCIS GROOME was indicted for feloniouſly ſtealing on the 2d day of September, two ounces weight of leaf gold, value 8l. the property of Robert Durnford.

ROBERT DURNFORD *ſworn.*

I loſt ſome leaf gold, upwards of two ounces, out of my ſhop, on the 2d of September.

Is your ſhop a part of your dwelling houſe?——Yes.

When did you ſee it there?—I ſaw it there within an hour.

At what time did you miſs it?——The next morning at ſix my people miſſed it; I ſaw it the night before at eight o'clock, and at nine I ſaw the priſoner come in, he came in to ſell ſome ſkewins, which is a kind of gold that the gilders and coach painters rub off after they have uſed it, with cotton.

How long did he ſtay in the ſhop?—I might be ten minutes I believe.

Did

Did you buy any of theſe ſkewins?——I did.

Where was your leaf gold at that time?——It was lying on a board in the ſhop; after I miſſed it I ſent out perſons to different parts of the town to have it ſtopped; the firſt let him go, the ſecond would not buy it, the third only ſtopped the gold, and not the man, the fourth ſtopped both gold and man; Mr. Stubbs has it.

Mr. Peatt, Priſoner's Council. Did this man ever ſell you any of this article before?——Never.

Who was in the ſhop;——I can ſay there was my ſon in the ſhop, and I called my boy to get change, and I believe my daughter went to the door of the ſhop.

JOHN STUBBS *ſworn.*

I am a ſilverſmith in Holborn, I produce this gold leaf, which the priſoner brought to my ſhop, he came there the 3d of this month, about twelve, and aſked me if I bought any gold, I told him I did; he told me it was gold leaf, he had not got it then, but he would go and fetch it; he went out immediately, and in the ſpace of five minutes he brought this gold to me; I aſked him if he had any more of it, he ſaid, yes, he had, but he could not get at it at preſent; then I aſked him how he came by it, he ſaid he found it the corner of a ſtreet; I told him immediately I had had information that morning twice, that Mr. Durnford had his ſhop robbed of a quantity of gold, and that I was deſired to ſtop both man and gold; and if he came by it honeſtly, he would not mind being examined; accordingly I put him in the parlour, and Mr. Durnford came down, and ſaid, the priſoner was the man that was in his ſhop the night he loſt his gold; I aſked him where the remaining part of the gold was, he ſaid he had given it to another man, and could not get at it at preſent.

Proſecutor. This part of the gold that was loſt, I have a duplicate of it in my pocket; as to the melting, and manufactory, it is in ſuch a ſtate as I am ſure of, it is my own work that I was upon.

Mr. Peatt. Is it not uſual, Sir, to manufacture gold in that way?——Certainly, but it is in the ſame ſtate, the ſame melting, the ſame ingot and colour.

Court to Proſecutor. How much is there of that?——There is a five penny wright, which is about the eighth of it.

——— FARLEY *ſworn.*

I am a gold-beater, I produce this gold leaf, which I received from a perſon, but I cannot tell who it was, I conceive it to be the priſoner, I am not poſitive; the perſon ſaid it was not his own property, it belonged to a perſon that found it; there was more of it, and he had given him this to ſell.

What quantity is there?——About ſixteen ſhillings worth, he went away to fetch the perſon, and I ſent to the proſecutor.

——— BADGER *ſworn.*

The priſoner is my maſter, he told me at Bow-ſtreet, that they had not got all the gold, there was ſome hid, he did not ſay where; I went in ſearch of the gold, and I found the ſkins, ſome bits of gold were in a ſtable, the ſkins were found cloſe by the ſhop, in a hole with ſome dirt over it.

(*The ſkins produced.*)

Mr. CLOCKIN *ſworn.*

I found theſe ſkins in Mr. Durnford's ſhop, brought there by this man.

(*Depoſed to.*)

Proſecutor. I know theſe ſkins by many marks, they have been through my hands, I ſuppoſe two thouſand times.

Did you loſe theſe ſkins at the time you loſt the gold?——I did.

Was there gold between every ſkin?——May be not between every one, but between the major part.

Mr. Peatt. Thoſe are ſuch ſkins as gold is uſually beat on, manufactured in that way?——They are.

I ſuppoſe there are many thouſands of the ſame

ſame ſort?——Without doubt, but I know the ſkins by many marks.

RICHARD ADAMS *ſworn.*

How old are you?——Sixteen, I am an apprentice to Mr. Durnford, I know this gold, by pulling it to pieces it appears exactly like it; my maſter has ſome that would appear like it, ſuppoſing it to be rumpled up as this is; I ſaw it the night before; I was going to work upon it; gold was not often left as ours was.

Suppoſe you ſaw that gold any where elſe, would you ſwear to it?——I could not particularly ſwear to ſuch a thing.

No, I dare ſay you would not, any more than you would ſwear to the taſte of it? Does the colour vary?——Very frequently the ſame.

Priſoner. Sir, I found the gold the night before this gentleman ſays he loſt it; the gold I ſold to the proſecutor, and the other too.

Court to Durnford. What did you give him for the ſkewins?—Twenty-pence.

Jury. What trade is the priſoner?——He is a farrier.

The priſoner called five witneſſes, who all gave him a very good character.

Court to Proſecutor. What is the value of the gold found upon him?——About twenty ſhillings.

GUILTY

Of ſtealing to the value of 20s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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747. JAMES LEWIS was indicted for feloniouſly ſtealing on the 15th day of Auguſt laſt, two ſilver ſalt holders, value 12s. two pepper caſters, value 20s. one ſilver milk-pot, value 10s. ſix table ſpoons, value 3l. one ſilver marrow ſpoon, value 8s. the property of Hannah Chadwick, in her dwelling houſe.

(The witneſſes examined apart at the requeſt of the priſoner.)

HANNAH CHADWICK *ſworn.*

I live at the Gun alehouſe at Iſlington, the priſoner and another came into my houſe on Friday the 12th of Auguſt, and had a pint of beer; they were in my houſe Friday, Saturday, Sunday, and the Monday they robbed me; they came in on Monday morning at half paſt ſix, and called for two-pennyworth of gin and water, and waited there till half after eight, till I ſat down to breakfaſt; then when I ſat down to breakfaſt the priſoner got up and went to the door, as I did imagine, and inſtead of that, he went to the bar, opened the door, and took the plate which I have here; I did not ſee him go into the bar, but I caught him there; I called out I am robbed, and my ſiſter came to my aſſiſtance; I aſked him what he did there, he ſaid he was doing nothing; ſays I, but you have got ſomething out of my cupboard, and I called to my ſiſter, and he laid hold on one ſide of her, and he got out of the bar from us, and threw down theſe things in the paſſage, my ſiſter had hold of his waiſtcoat, and it gave way, here is half of it; then he got away, and carried off the ſalts and pepper boxes; he threw down half a dozen ſilver ſpoons, a marrow ſpoon, and a milk-pot.

What is the value of theſe things?——They are altogether about the value of 3l. the priſoner ran out, and I came in to ſee what was the matter, and what was loſt, and I miſſed the two ſalts and pepper boxes, I never found them; they were in the bar along with the reſt; I told a perſon that I was robbed, and the priſoner was brought back in leſs than half an hour, I am ſure of the things.

SARAH BURLAND *ſworn.*

I know the priſoner, I live with the proſecutrix, I ſaw the priſoner at her houſe four times, I remember ſeeing him there

the 15th of Auguſt, my ſiſter called ſhe was robbed, I went into the bar and caught hold of the left-ſide of his waiſtcoat, and held him till he got into the paſſage, he left part of his waiſtcoat in my hand, then he got away from me, and I did not ſee ſee him till a man brought him back.

ANN DELL *ſworn.*

I live ſervant with Mrs. Chadwick, two gentlemen came in about a quarter after ſix in the morning, my miſtreſs aſked them to walk into the parlour, they had two-penny worth of gin and water, and when the kitchen was ſcowered, theſe two gentlemen went in, after we had done the parlour, at about a quarter after eight, we went to breakfaſt, and at the firſt diſh of tea this priſoner went out, and my miſtreſs thought ſhe heard the ſpoons jingle, juſt as if the cat was licking a plate, and ſhe got up and cried out I am robbed, I am robbed, and we all ran out, and my miſtreſs collared him, and her ſiſter and I went to take the ſpoons out of his hand, and he clawed me all down my arm, then he threw the ſpoons down under the bench in the entry, and the marrow ſpoon and the milk-pot.

ROBERT SIBLEY *ſworn.*

I took the priſoner, I was going about my buſineſs at half after eight on the 15th of Auguſt, and I ſaw the proſecutrix and her ſiſter at their door very much frightened; ſhe ſaid ſhe had been robbed by two men in brown coats, ſhe ſaid they were gone the way I was going, and I followed them; I firſt ſaw them in a cow place, they ſaw me after them, and they went into a field that goes to the Shepherd and Shepherdeſs, and the other man made away, and I took the priſoner; I aſked him how he came to rob the woman, and he ſaid he knew nothing of it, his coat was buttoned up; the proſecutrix told me he had left part of his waiſtcoat, and I unbuttoned his coat, and ſaw part of his waiſtcoat wanting; ſays I, friend, you muſt go with me, for they want you to match the other part of the waiſtcoat; ſo I took him back, and he was committed, I did not ſearch him.

PRISONER's DEFENCE.

On the 15th of Auguſt, about five, I got up, I ſays to my wife, I will go and ſee if the water is ſmooth to go a fiſhing, I did not take my rod with me, at the New-river I ſtopped a little, and I entered into diſcourſe with a man, he ſaid he had been there an hour and a half, and had caught three fiſh, ſo we went to the Gun, and he aſked me to go in; the gentlewoman ſaid come into the parlour, we ſtaid there, and drank the liquor out, then we went into the kitchen, I was reading a newſpaper, I went out to the door, and ſtopped for the ſpace of five minutes, I came in again, and my ſhoe was unbuckled, I was buckling my ſhoe and riſing up, and coming into the room, the woman ſaid I robbed her, the other man that was with me ran out, and he threw ſomething from him; I have but lately come from Yarmouth, I came to receive ſome prize money from the Thunderer, the lady was not in town, it was lady Walſingham.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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748. ELIZABETH DALTON was indicted for feloniouſly ſtealing on the 15th day of September laſt, fourteen linen handkerchiefs, value 14s. the property of Joſeph Earle, privily in his ſhop.

JOSEPH EARLE *ſworn.*

I am a linen-draper in the Strand, on Monday the 12th of September I loſt fourteen linen handkerchiefs, between the hours of five and ſix in the evening; the priſoner was in the ſhop when I came into the ſhop, I ſaw ſomething about her hands and cloak as ſhe went out of the ſhop, and I ſuſpected her.

Court. Did you ſee her put any thing under her apron or cloak?——No, I caſt my eye on a pile of pocket handkerchiefs, and obſerved it appeared as if ſome of them were gone, the top one appeared to be moved

moved out of its place, I then ſtepped after her, ſhe was then got about twenty yards from the door, I tapped her upon the ſhoulder, and begged her to come back, ſhe came back, I deſired her to ſit down, then ſhe run out again; ſays ſhe, what buſineſs have you to deſire me to ſtay here, or words to that effect; I purſued her, ſhe ran very faſt, and was got ſome diſtance before I could catch her, then I took her to the beadle's, and he examined her, and found nothing upon her.

JOHN JOHNSON *ſworn.*

I happened to be coming acroſs the ſtreet, I walked pretty faſt, and I met this young woman full-butt; and in the meantime, the gentleman came up and tapped her on the ſhoulder, and told her to come back to the ſhop; while ſhe was turning back, I ſaw theſe handkerchiefs drop from her, I picked them up, and followed with them, and gave them to Mr. Earle in the ſhop, and I thought ſhe had bought them and loſt them.

Proſecutor. Theſe are the handkerchiefs that the black brought, ſome we charge at three ſhillings, and theſe eleven linen handkerchiefs were thrown down an area where ſhe ran by; they were in the ſhop when ſhe was in it, I put them in the window in the morning myſelf.

JANE HOLLOWAY *ſworn.*

I ſaw theſe handkerchiefs tumble down the area, but I did not ſee who threw them; I live about a hundred and twenty doors off.

Court to Proſecutor. In your purſuit of this priſoner, did you paſs Mrs. Holloway's houſe?——Yes, I ſuppoſe twenty yards.

DANIEL WILLIS *ſworn.*

I was in the ſhop between five and ſix in the afternoon, this woman came in, and aſked to look at ſome lawns, while I was ſhewing her ſome, I ſaw her with her hand in her pocket as if ſhe was putting ſomething under her apron.

Did you ſee theſe handkerchiefs in the ſhop at that time?—No, not at that time, I ſaw them in the morning, I did not miſs them at that moment, I ſuſpected her, and I kept her in ſuſpence as long as I could, till ſomebody came into the ſhop; ſhe aſked the price of ſome lawn, I told her it was two ſhillings and two-pence; ſhe aſked me to take two ſhillings, I told her I would cut her half a yard for one ſhilling; ſhe went out of the ſhop, and my maſter brought her back, and ſhe went away again, and the black brought the handkerchiefs.

PRISONER's DEFENCE.

I am ſure I am innocent, I do not know who might take them out.

Proſecutor. I put them in the window in the morning, I do not recollect they were ſhewn to anybody.

The priſoner called two witneſſes, who gave her a very good character.

GUILTY

Of ſtealing, to the value of 3

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

749. WILLIAM HAYWARD was indicted for feloniouſly ſtealing on the 26th day of July laſt, twenty-five yards of Iriſh linen, value 27s. and nine ſilk handkerchiefs, value 4s. the property of Ann Ravenhill, privily in her ſhop.

JOHN MOUL *ſworn.*

I live with Ann Ravenhill at Norton-Falgate, ſhe keeps a linen-draper's ſhop; on Tueſday the 26th of July, ſhe loſt twenty-five yards of Iriſh, and nine ſilk handkerchiefs, the Iriſh was taken off the ſhelf behind the counter in her ſhop, they were in the window, I ſaw them there that morning, I miſſed them a little after one.

Why did you ſuſpect the priſoner?—— I was at dinner, and I ſaw ſomebody run haſtily down the ſteps, I immediately jumped out of my chair, and ran out of the door, I could not ſee anybody, I came back again, I took my hat, and ſomebody told me which way the priſoner went, I purſued and ſaw him, I came up with him in a very few minutes, he was ſtopped by Cole.

JOSEPH COLE *ſworn.*

I ſtopped the priſoner, I believe it was him to the beſt of my knowledge, I ſtopped him in Petticoat-lane upon the cry of ſtop that lad, I ſaw him drop the piece of Iriſh, I held him by the collar while I picked it up, it is here.

—— ARMSTRONG *ſworn.*

I received the care of this Iriſh from Mr. Cole and the proſecutor, and the charge of the priſoner.

(The Iriſh depoſed to by the private mark.)

Moul. I do not know who marked it.

Did you find a cavity after he went out of the ſhop?——Yes.

Was it that piece that was wanting?—Yes.

What is the value of it?—It coſt thirteen pence a yard, and there are twenty-five yards.

Cole. I ſaw him drop ſome handkerchiefs, but I do not know how many at the ſame time.

PRISONER's DEFENCE.

I had been in the city, and a gentleman aſked me to carry that piece of Iriſh, and told me he would give me ſix-pence, he bid me run all the way, and the gentleman laid hold of me.

GUILTY, Death.

He was humbly recommended to mercy by the Proſecutor and Jury.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

750. JO-

750. JOSEPH BANNING was indicted for that he, on the 25th day of July laſt, feloniouſly and falſely did make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly aid and aſſiſt in the falſe making, forging, and counterfeiting, a certain order for the payment of money, dated the 18th of July laſt, with the name of George Preſcott thereunto ſubſcribed, purporting to be ſigned by George Preſcott, Eſquire, directed to Meſſrs. Preſcott and Co. for payment of 52l. 10s. to George Scott, or bearer; the tenor of which ſaid falſe, forged, and counterfeited order for the payment of money, is as follows; that is to ſay, "July the 18th, 1785. Meſſrs. Preſcott and Co. pay George Scott, or bearer, fifty-two pounds ten ſhillings. George Preſcott, 52l. 10l." with intent to defraud the ſaid George Preſcott, Eſquire, George William Preſcott, Andrew Grotte, William Culverden, and John Hollingſworth.

A ſecond count, for uttering the ſame, knowing it to be forged, with the like intention.

Third and fourth counts the ſame as the firſt and ſecond, only with intention to defraud George Preſcott, Eſquire.

(The witneſſes examined ſeparate at the requeſt of Mr. Garrow, Priſoner's Council.)

HENRY CLAYTON *ſworn.*

I am clerk to Meſſrs. Preſcott, Grotte, and Co. and have been ſo for ſome years.

Where is their banking-houſe?——In Threadneedle-ſtreet.

Do you know that young man?——Perfectly well.

Do you remember his coming to the houſe?——Perfectly well, it was on the 26th of July, between ſix and ſeven o'clock, he brought a draught to the houſe for payment, we told him it was paſt the hour, and we could not pay it him; he ſaid he had been early by our houſe that morning, and was going to Cheſhunt that evening, and he muſt come to town again on purpoſe; we thought it reaſonable to pay him after conſulting a little together, and the draught paſſing through the hands of two or three, we told him we muſt give him notes, he deſired to have caſh, but he took a 30l. bank-note, a 15l. bank-note, and 7l. 10s. in money, he did not ſeem to count it readily, he ſeemed to turn the notes over as if he could not read them; I told them over to him, he took them without counting them, and put them in his pocket; after he was gone, a confuſion having been obſerved, I deſired to look at the draught, and having reaſon to ſuſpect it, I looked at ſome other draughts of Mr. Preſcott's in the houſe, and they differed materially; he told me his horſe and chaiſe were waiting at the Baſing-houſe, we ſent there, but we could not find any perſon there that anſwered that deſcription.

Court. What is the Baſing-houſe?—— It is a public-houſe where they water their carts and horſes; I put two marks on the draught immediately on ſuſpicion.

Did you know the number of the notes?——Yes, clearly, I entered them in the waſte book.

What are the numbers?——The book is here, the number of the 30l. note is 7477, and the 15l. note is 2476.

Mr. Garrow, Priſoner's Council. How long have you been a clerk to Meſſ. Preſcot?—Between ſix and ſeven years.

Mr. George Preſcott, many of us know, lives moſtly at Theobald's?—Yes.

He generally draws by draughts?—He has frequent occaſion to draw, I am one of the paying clerks, I have very frequent opportunities of ſeeing his hand writing, this draught was tendered to me.

You have had frequent opportunities of ſeeing Mr. Preſcott's draughts?—I have, the draught was tendered to me for payment, it was tendered after five.

You are very ſure?—Yes.

How often may that happen?—We very frequently oblige gentlemen.

I believe you do not pay after five, but to cuſtomers?—This was not a cuſtomer.

So I ſee, and I wiſh the Jury to remember that of courſe, after you have done paying your hurry is over?—Yes.

Then

Then a man coming after the hour of paying, he muſt be ſubject to more notice than he would be in the hurry of buſineſs?—He certainly cauſed more notice to be taken.

A man coming with a forged draught would be glad to get away, I ſhould think?—He would rather have had caſh.

At the time you paid it, you believed it to be the draught of Mr. Preſcott?—If I had not, I ſhould not have paid it.

Upon compariſon then you ſuſpected it?—I did.

That ſuſpicion however did not then decide you that it was a forgery: now I aſk you, as a conſcientious man, upon your oath, whether at that time you could have ventured to have ſworn that that draught was a forgery?—I could not ſwear it was not his ſignature.

Mr. Preſcott we all know, or at leaſt I do, has a very large eſtate at Theobalds?——Yes.

He has very many occaſions to ſign his name?—He has.

He is a magiſtrate for the counties of Hertford and Middleſex?—He is.

He is likewiſe a commiſſioner of the land-tax?—I believe he is.

Now from the ſtrong likeneſs in this draught, was not you induced to believe, and had not you ſuſpected, that ſomebody had ſubſtituted this to Mr. Preſcott, as ſome other paper he intended to ſign?—It never occurred to me.

You did not go with Mr. Smart to the priſoner's houſe?—I did not.

I take it, that even now, looking at the draught alone, without comparing it with any other writing of Mr. Preſcott's, you would not have ventured to have ſworn it was not his hand writing?—I have heard nothing from any body on the ſubject, I have compared his draughts, and there is a great difference.

I aſk you, if that draught was put into your hands at York, where you could not compare it, upon the bare inſpection would you venture to ſwear it was not his hand-writing?—Not the ſignature I would not.

Then if this thing had been offered to you any where but in Threadneedle-ſtreet, and you had been diſpoſed to have advanced money upon it, would you have done it?

Court. That is a conſequence of its being Mr. Preſcott's hand-writing.

JOHN FOSTER *ſworn.*

I am likewiſe clerk to Meſſ. Preſcott and Co. I remember the priſoner's coming to our houſe; I have not any doubt as to his perſon, I am ſure he is the perſon that brought the draught: on the 25th of July he came about ſix in the evening, with a draught of Mr. Preſcott's for 52l. 10s. drawn by Mr. Preſcott, on a plain piece of paper, and not ſtamped.

Court. What do you mean by that obſervation, that it was on a plain piece of paper, and not ſtamped?—I never ſaw one of the kind before, as I recollect on a plain piece of paper: the priſoner aſked if we could oblige him with the payment of that draught; that he was paſt our houſe about ſix in the morning, had been to Richmond and was going to Cheſhunt that evening that he was to meet his friend at the Baſing-houſe in Kingſland road about ſix and would be much obliged to us to let him have payment; upon ſhewing it to the head clerk, this being Mr. Preſcot's draught we concluded on paying it; we aſked him how he would have it, he ſaid in money, as he might find ſome difficulty in getting notes changed in the country; we had locked up our caſh, and told him we ſhould be obliged to pay him in notes; we paid him a 30l. note, and a 15l. note, and 7l. 10s. in money, which was paid him by Mr. Clayton; he ſeemed confuſed, he did not ſeem clear whether it was right or no

Court. It is ſufficient that you upon inſpecting of the draught, from ſuch inſpection of it you ſuſpected it, tell us what you did?—In conſequence of ſuch ſuſpicion, the draught was ſhewn about to the different clerks, and it was ſhewn to Mr. Hollingſworth, then we ſent down to Mr. Preſcott's with a deſcription of the perſon then Mr. Smart came up to me on the

Thurſda

Thurſday, and I went with Mr. Smart to the priſoner's houſe, but he was not at home, the next morning I ſaw him with Mr. Smart; Mr. Smart turned round and aſked me if that was the man that brought the draught, I ſaid he was, and I was ſorry to ſay it; we had a poſt-chaiſe waiting at a little diſtance, and I went with him, Mr. Smart came with me and the priſoner, we came to Threadneedle-ſtreet, we took him into the office; Mr. George William Preſcott came into the office, and aſked him what he had done with the property.

Mr. Silveſter. Had you any further converſation with the priſoner?——The priſoner aſked me when I was alone, whether Mr. Preſcott was angry, I told him I did not chuſe to have any thing to ſay, and declined giving him an anſwer; when he came to town Mr. Preſcott aſked him what he had done with the property that he received from us, to the beſt of my recollection thoſe were the words; the priſoner put his hand into his pocket, and pulled out a little pocket-book, and delivered a 30l. note into Mr. George William Preſcott's hand, I was in the room, he did not ſay anything; Mr. Preſcott aſked him, what he had done with the other note, in anſwer to that he ſaid, he paſſed the 15l. bank-note to Mr. Carrington Bowles, in St. Paul's church-yard.

Mr. Garrow. The 25th of July was Monday?—Yes.

The priſoner was from home when you went on Thurſday?—Yes.

What time might that be?——About eight.

What meſſage was left for him?—I do not know.

What time did you go the next morning?——Between ten and eleven.

That was on Friday?——Yes.

So that from Monday to Friday this note had been in his poſſeſſion?——Yes.

I believe in that part of the world it is very well known, that Mr. Smart is the agent for Mr. Preſcott?—I do not know it.

What was the date of the draught?—It was the 18th of July, a week back.

It was payable to bearer?——It was payable to George Scott or bearer, payable on being preſented.

Thoſe in general I believe are preſented the day, or the day after?—It is moſt common, but not general.

A man coming at the diſtance of a week then would not be leſs a ſubject of obſervation?——We do not pay great regard to dates, unleſs they are dated forward, if they are backward we do not.

But in order to know that, you muſt look at them you know?——Yes.

How many of you had looked at it?——Three, Mr. Clayton, Mr. Woodhouſe, and myſelf, Mr. Woodhouſe is the head caſhier, we ſuppoſed the ſignature to be Mr. Preſcott's hand-writing.

If that draught had been tendered to you at York, would you have believed it to be Mr. Preſcott's hand writing?——I think I ſhould the ſignature.

Whilſt you was in the chaiſe the priſoner aſked you if Mr. Preſcott was angry?—Yes.

Had he been told the draught was a forged one?—I was not preſent when Mr. Smart went with the priſoner.

It was after that?—Yes.

Court to Foſter. Was this draught advertiſed publicly at all?—No Sir.

——— SMART *ſworn.*

I am agent and ſteward of the courts to Mr. Preſcott, but not land ſteward; I was at dinner when the deſcription of forgery came in, I went to town, and in conſequence of that, and of what I heard in town, I went to Edmonton to the priſoner's houſe.

What is the priſoner?—He is a ſchool maſter, he ſerved his time with Mr. Draper, maſter of the free-ſchool there; Mr. Preſcott is acting magiſtrate there: when I went to the priſoner's houſe in the evening, I aſked his wife if he was at home, ſhe ſaid no, he was gone to Mr. Flacks; there was a houſe between that and Mr. Flack's, which I thought he ſometimes uſed, he was not there, we returned and went there the

next morning, and as ſoon as I ſaw him, I ſaid Banning, how could you be guilty of this forgery on Mr. Preſcott, you muſt go with me to London, he poſitively denied it.

Court. Recollect in what terms as near as you can?—He ſaid he had done no ſuch thing, or he knew nothing about it, or words to that effect.

Did you tell him what it was that had been forged on Mr. Preſcott?—I hold him it was in vain to deny it, it was for fifty guineas, and that one of Mr. Preſcott's clerks was at the door waiting to identify his perſon.

What anſwer did he make to that?——None, I then put my hand upon his collar, and led him to the door, and beckoned to Mr. Foſter, and aſked him if he knew that man, he ſaid he was but too ſure.

Is that the man the money was paid to?——Yes.

Court. I obſerved there is an expreſſion you and Mr. Foſter both uſe, that he was but too ſure, what did he mean by that?—I believe no otherwiſe than that he was ſorry any man ſhould be guilty of any ſuch offence, I believe only general tenderneſs; The priſoner then aſked leave to diſcharge the children from ſchool, and to clean himſelf, which I permitted; I went up ſtairs while he diſcharged the ſchool, and put on a pair of ſhoes, inſtead of a pair of ſlippers which he had on before, he then came down ſtairs, and as we went to the poſt chaiſe, I taxed him with having copied it from a warrant, ſigned by Mr. Preſcott, the only anſwer he gave me was, was not Mr. Preſcott very angry when he found it out, was there no way of getting through it, them were the words, or very near them; we then reached the chaiſe, and I handed him into the chaiſe, and put Mr. Foſter with him, and no other converſation paſſed till we came to Mr. Preſcott's banking-houſe in London, there Mr. George William Preſcott aſked him what he had done with the notes, or what he had done with the property, he put his hand into his pocket, and took out a pocket book, and delivered a 30l. note to Mr. George William Preſcott; Mr. Preſcott immediately handed it over to me, I went into the other room to compare it with the number in the book, I have the notes and books all here.

Did the number correſpond?—We found it did not, there was nines inſtead of ſevens.

Which book did you compare it with?—I cannot ſay.

Mr. Silveſter to Clayton. Was you preſent?——It was compared with my book, the number in the two books is mine, it is entered in Mr. Atkinſon's book, the note was 7479, the book was 7477, on finding a difference, the other book was immediately looked into, and the two books agreed, upon which I took up the note and ſaw the alteration; then on returning into the room again, I, or Mr. Preſcott, aſked what he had done with the other note, he ſaid he had paid it away to Mr. Bowles; I aſked him what Mr. Bowles, he replied, Mr. Bowles print-ſeller in St. Paul's Church Yard; he was then taken to Guildhall and committed; I then went to Mr. Bowles, and on looking into a large bundle of notes, I found the note of 15l. which I inſtantly ſaw had been altered.

In what particular?——By altering it from 2476 to 2496, I carried Mr. Bowles another 15l. note, and he gave me that which is now in my poſſeſſion; this is the note that I found at Mr. Bowles's.

Mr. Silveſter. Did you compare that with the book?——Yes, upon our return the number was 2476.

How long have you been acquainted with Mr. Preſcott?——I have done buſineſs for him for ſeventeen or eighteen years, I cannot ſay which.

Mr. Silveſter to Mr. Clayton. Look at that draught?——This is the draught I received from the priſoner, this note has two marks, the one has the initials of the perſon's name that gave it me, W. for Woodhouſe, and C. L. for clearing book, where I had it from, I am perfectly clear it is the note I marked, and the note I received.

Mr. Garrow to Clayton. When draughts are paid in the paying hours what becomes of them?——We file them directly we paſs, three

three times in a day we clear the file, we take off the draughts and put them in another place.

You take them off, poſt them, and depoſite them ſomewhere elſe?—Yes.

Have you often ſeen Mr Preſcott write?—I have ſeen many hundreds of his draughts.

Look at that hand-writing?——I do, the body bears no ſimilarity at all to his hand writing, the ſignature bears a diſtant one, he has a method of writing rounder with his G at the bottom, and the turn at the end of Preſcott commonly goes the contrary way; if this had been offered to me as one of Mr. Preſcott's draughts I ſhould have immediately ſtopped it.

(The draught read.)

"July 18th 1785. Meſſ. Preſcott, and "Co. pay George Scott or bearer, fifty-"two pounds ten ſhillings. George Preſ-"cott. 52l. 10s."

Court. What is the ten, figures or letters?—Figures in the body. *(The draughts ſhewn to the Court. The bank note read,* No. 7479.) I know this note by two marks, the name of Dimſdale is wrote upon it before it was paid that very night, I am ſure this note was paid to the priſoner, I am ſure as far as any circumſtance can go, I believe this very note was paid to the priſoner; the clearing clerk writes on all the notes that he receives.

Was this one of the notes that he brought home that evening, do you recollect that the note you paid to the priſoner, had the name of Dimſdale on it?——I do not.

Can you, or any of you ſay, except from the compariſon of numbers, that this is the note you gave to the priſoner?—I believe it to be the note by the number, and name of Dimſdale, I did not obſerve the name of Dimſdale upon it, when I gave it the priſoner.

Then from the number, and from the number only, you believe that to be the ſame note that you paid to the priſoner?—I do.

Mr. Garrow to Mr. Smart. It was not till Thurſday you communicated your ſuſpicions to anybody of this tranſaction?—No.

Had you heard any thing of the buſineſs before he told you?——No.

Do you know when he firſt heard of it?——Since the tranſaction it was that I had the information from him.

Only juſt tell me the day?——Not till the Thurſday morning.

The priſoner's houſe is on the road from Theobald's to London?—I left a fictitious meſſage.

What was it? What meſſage did you leave with his wife?—That I called about Captain Peters's buſineſs.

Did the priſoner know you?—For many years, he certainly knew I was his attorney; I left word I would call as the next morning.

At what hour?—I believe about ten.

Did you then find the priſoner in his buſineſs?—His wife called him out of the ſchool to me.

Then you found him in his buſineſs?—Yes.

You deſcribed him in his ſlippers?——Yes.

Not in the dreſs of a man going to fly?—Not in the leaſt.

He came to you directly?—Yes.

He came with you willingly?—Yes, he ſhifted his coat in the room above ſtairs, and I ſtaid in the adjoining room.

Was anybody in the room above ſtairs where he ſhifted?—Only his wife.

Did you ſearch his wife?——Certainly not.

Did you take her to London?—No.

If ſhe had had any property given her ſhe might have concealed it?—Yes.

She might have burnt it?—Yes. When we came to London he delivered me that bank note, as I before ſtated.

Then inſtead of being put under his bed, given to his wife, thrown out of the window, or put down his throat, he carried it to London?—He certainly did.

When he came to Mr. Preſcott's houſe he inſtantly produced the one, and direct-

ed

ed you where to find the other?——He did.

Without any ſort of heſitation?——He did.

Now I aſk you this, what are the ſort of inſtruments which you have been accuſtomed to ſee Mr. Preſcott ſign?—I have ſeen him ſign letters, deeds, and draughts.

And abundance of other things, orders of removal, orders of baſtardy, and the whole of Burn's Juſtice?—Yes.

How many hundreds of the one do you ſuppoſe for one of the draughts—I ſuppoſe I may ſay two thouſand to one, of thoſe in preference to draughts.

Now pray do not you know that Mr. Preſcott adopts another character of hand-writing in thoſe inſtruments to what he uſes in his draughts?——They are ſo much alike I cannot tell the difference.

I aſk you, Sir, excluding from your mind all compariſons of hand-writing, whether looking at this draught you will venture to ſwear it is not Mr. Preſcott's hand-writing?——I will venture to ſwear that I do not believe, nor that I ſhould never believe, it to be his hand-writing.

Without any compariſon of hand-writing?——I ſhould have ventured to ſwear I did not believe it to be his hand-writing.

Will you venture to ſwear that Mr. Preſcott uſes preciſely the ſame character of hand-writing in theſe inſtruments and in draughts? I aſk you whether there is any intentional difference?—I believe none; when I taxed him with copying his hand-writing, then he denied it, and aſked if Mr. Preſcott was not angry.

Without offence one may aſk whether Mr. Preſcott would not be angry that any perſon ſhould receive his money who had no right to it?——Mr. Garrow would in the ſame ſituation.

——— ATKINSON *ſworn.*

I am a clerk in Mr. Preſcott's houſe, I never ſaw him write.

Look at theſe two bank notes?—Here is my hand-writing, Dimſdale and Co. on both; the 30l. I am very particular in; I received it on the 25th of July, and the 15l. appears from the book to be received on that day, but I am not ſo particular to one as the other, as I have omitted putting dates to them; I do not know to whom they were paid.

Mr. Garrow. I take it for granted you are what we call an out-door clerk?—No, I am not; I receive theſe in exchange of draughts, I received the 30l. from a cuſtomer, it is cuſtomary in the clearing houſe to put a letter. I have very good reaſon to know it comes from there; after I bring home the bank notes, I give them to the clerk, and what becomes of them afterwards I know not.

JOHN RUSSELL *ſworn.*

I have lived with Mr. Preſcott upwards of twenty years; I am his land ſteward; I have often ſeen him write.

Look at that draught?——I do not believe it to be his hand writing, it differs in the G, in the firſt place, and in the flouriſh after the ſtroke acroſs the T.

If you had ſeen that note any where elſe, ſhould you have taken it to be Mr. Preſcott's hand writing?—I ſhould not.

Mr. Garrow. Whether, independent of all you have heard, upon a bare inſpection, you would not have taken it to be his hand writing?——If the note had been tendered to me for money, I ſhould not have given money for it, I ſhould have looked to the ſignature of it, which I am ſo well acquainted with, and upon the inſpection of it I ſhould have been ſatisfied it was not.

Would you upon the bare abſtract view of it have ſworn that it was not his hand writing?——I certainly ſhould.

Court to Clayton. Have there not been many thouſand pounds of theſe draughts paid without objection?——Yes.

Court to Priſoner. Mr. Banning, do you wiſh to ſay anything to the Jury in your own defence before your councel calls your witneſſes.

(The priſoner made no reply.)

Court to Jury. Gentlemen, I ought to ſtate

ſtate to you what has paſſed between the banker's clerk and me juſt now, the two different notes appear to be entered without any dates, they are entered once in the clearing book when the clerk brings them in, then they are entered again in the book with the bills ſet down, the numbers correſpond, and both entries are made, not one book from the other, but both from the notes themſelves; ſo that it appears from the books ſcarcely poſſible that there could be a miſtake in the figure in both the books.

JOHN COCK *ſworn.*

I live at Edmonton, I have known the priſoner about twelve years.

What buſineſs does he follow?——He was an uſher to the ſchool; I knew him when he was apprentice to the ſchool-maſter; I had two of my children at his houſe at the time he was apprehended; he had a very good character for honeſty, was entruſted with pariſh affairs, and every thing of that kind.

JOHN BROWN *ſworn.*

I live at Edmonton, I am a plumber and glazier, I have known him from a child down to this time; his general character has been a very good one, I have no children old enough to go to ſchool, or elſe for any thing I know they would have gone there.

FRANCIS CARTER *ſworn.*

I live in Moorfields, I am a ſurveyor, I have known him three years, he is a ſchool maſter by profeſſion, and lately he has taken upon him to write for painters; his character is a very good one for all I know.

BENJAMIN CARTER *ſworn.*

I am a baker at Edmonton, I have known him fifteen or ſixteen years, he bore a very good character.

RICHARD GOOD *ſworn.*

I live in Biſhopſgate-ſtreet, I am a ſtationer; I knew this young man two years, he dealt with me, I always took him to be a very honeſt character.

HENRY RICHARDSON *ſworn.*

I live at Edmonton; I am a hair-dreſſer and ſhop-keeper; I have known him from his childhood upwards, he bore a general character.

——— SKELTON *ſworn.*

I have known him ten years, I have intruſted him to ſettle my books and affairs, and always found him very honeſt and juſt.

Court. It appears clearly that this was a man truſted as a man of good character.

GUILTY, *Death.*

He was humbly recommended by the Jury to his Majeſty's mercy, having a wife and a very large family.

Tried by the firſt London Jury before

MR. RECORDER.

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751. JOHN FRAY was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 11th of September laſt, with force and arms, at the pariſh of St. Pancras, upon one Thomas Wakin, in the peace of God and our Lord the King then and there being, feloniouſly, wilfully, and of his malice aforethought, did make an aſſault; and that he the ſaid John Fray, him the ſaid Thomas Wakin in both his hands, did then and there take, and the ſaid Thomas into a certain pond of water there ſituated, feloniouſly, wilfully, and of his malice aforethought, did caſt and throw, by which means of caſting the ſaid Thomas, he the ſaid Thomas was then and there ſuffocated and drowned, of which ſuffocating and drowning the ſaid Thomas then and there inſtantly died; and ſo the jurors aforeſaid ſay, that the ſaid John Fray him the ſaid Thomas Wakin did kill and murder.

The priſoner was alſo charged with the like murder on the coroner's inquiſition.

THOMAS WALLIS *ſworn.*

On Sunday laſt about ſix in the afternoon, as I was going in Tottenham-court-road, I ſaw a mob of people, I went to enquire the matter, I went near the place, and I was informed that they were going to duck a pick-pocket, then I returned to inform my wife and a friend in the road of what was the matter.

Court. Was this aſſembly of people near any pond?—Yes.

Was it a large pond?—Yes, it has been gravel pits, and there is water in it, and my wife, and friend (the wife of another tradeſman) croſſed the road, and went to the north ſide of the pond, and when I came there I ſaw a boy about fifty or ſixty yards diſtance in the water, about five or ſix yards from the ſhore, he appeared to be about ſixteen or ſeventeen years old, he was above his middle in water when I firſt ſaw him, I left my wife and friend and went to the place where the boy was, and when I came near the place the boy was crying and holding up his hands, and begging that the people would give him leave to duck himſelf; juſt as I came to the pond ſide the boy took his hat off his head and flung it into the road near the pond where I ſtood, I thought he was going to duck himſelf, but he did not, he dipped himſelf down into the water.

Court. How high did the water come then when he dipped himſelf down?—As near as I can recollect about his navel or above his breaſt, he ſaid he could not ſwim and begged they would give him leave to duck himſelf, and then ſomebody perſuaded him to come out, he came out near the ſhore, and ſome man, as the boy was coming out, in a blue coat, a genteel looking man, ſpoke to the boy and ſaid a raſh word, but what it was I do not recollect.

Court. Did he ſpeak with warmth or how?—He ſpoke with warmth, and the boy as he came out came near where I was, and I had a hard matter to keep from being puſhed in, he came ſo near to me, the priſoner at the bar ſays give me hold of him or give him to me, I cannot ſay which, I was ſo flurried.

Court. Where was the priſoner?—He ſtood by the ſide of the pond about five or ſix feet from me, he then took him by the ſide of the collar and the boy fell down and begged for mercy as he could not ſwim.

Court. How do you mean fell down on his knees, or how?—He tumbled down. The priſoner took hold of him by the thighs or ſome part of his body, I cannot ſay what and lifted him off the ground and threw him into the water, and as he threw him into the water, the boy holding faſt by the priſoner pulled him in, they both went into the water together about a yard from the ſhore, or hardly ſo much, when they were both in the water, the boy either got looſe from the man or they were ſevered from each other.

Not by any other perſons aſſiſtance?—There was no body in the water but themſelves; then the priſoner took the boy a ſecond time and ducked him under the water.

Court. Had he hold of his hand then?—He had hold of ſome part of his body, his clothes, or ſomething; then he gave him a puſh from him, and the boy went a couple of yards from him, ſwimming, as I thought; I then ſaw him ſtruggling for about a minute at the top of the water. I never ſaw any body ſo near death, and I never ſaw him more.

Court. When the boy was ſtruggling on the ſurface of the water, what did the priſoner do?——The priſoner was on the ſide of the water ſtanding; a woman ſtanding by me ſaid, ſhe was d——d if the boy was not drowned; I ſaid to the people by me, I think it proper that the man who threw in the boy ſhould be ſecured. I turned about, and ſaw the priſoner on the outſide the people; I went up to him immediately, and took him faſt by the collar; ſays I, you raſcal, how dare you to drown the boy? He made ſome reply to me, but what, I really do not recollect; there were ſeveral people aſſiſted me, but as the man had been in the water I was afraid of getting

ting myſelf wetted and dirtied, I let go of him; ſomebody laid hold of him; he was at the edge of the pond, and he went into the water; I ſaw him in the water, when he was in the water: I then left them, and went to my wife, that was about fifty yards off: what I am telling you now was what I omitted when I was examined before the coroner. I went to my wife, and told her that the boy was drowned; that I had taken hold of the man that threw the boy into the water by the collar, and that I would go and ſee whether the priſoner was ſecured; ſhe begged I would not, but I did; when I came to the pond I ſaw the priſoner in the water, and a good way up to his middle; there were a couple of men ſtripped that were diving after the boy.

Court. Was the priſoner diving too?—No, Sir, he was not above his middle; he was ſtanding about breaſt high in the water.

Did he offer to do any thing? —— I did not ſee him.

For what purpoſe could he have got up to his middle in the water?—I cannot ſay; when I returned from my wife to the water I ſaw the priſoner in the water, but his purpoſe I do not know.

How far was he from the man?—About four or five yards; he did not return till he found he was out of the depth; where the man died was a very deep place, and where he ſtood was not deep.

How large is this pond?——A largiſh pond; it had been a gravel pit, it is now a pond, where boys go a bathing, and where they get logs and ſwim about.

From the circumſtance, and your obſervation, what do you ſuppoſe was the purpoſe of the priſoner being in the water up to the middle?——I ſuppoſe he went to ſee if he could get the boy out; he went near the place where the boy went out, but when he found it was deep he returned; when the priſoner came out of the water the ſecond time, ſomebody laid hold of him.

How long was that after you ſaw him the laſt time?——About a couple of minutes; I went and looked at him, to ſee that it was the ſame perſon, and then I left him.

Court. Are you ſure the priſoner is the ſame perſon?——I really believe he is the ſame man.

Can you be poſitive? —— He has the ſame dreſs, and the ſame appearance.

The queſtion is, whether he is the ſame man?—I really believe he is the ſame man, I have no reaſon in the world to doubt it is the ſame perſon.

What number of people do you ſuppoſe might be aſſembled about this pond?—— Near the place where I was there might be one hundred; but there were people all round; a great concourſe of people.

The charge againſt the boy was, that he had picked ſome body's pocket.——Yes, Sir; I was not there at the firſt.

Did you hear the boy ſay any thing about that?—No, Sir, only the boy was begging for mercy.

Priſoner. Did not you ſee the boy and me down together?——Yes, I did, when he firſt threw him into the pond.

Did not you ſee me follow the boy, and then, ſays I, my good Sir, I cannot ſwim, I went out of my depth?——I never heard him ſay any ſuch thing, but I ſaw him, I ſuppoſe that was twenty minutes after I loſt ſight of the boy.

But you ſtaid talking with your wife ſome time, and telling her you had collared the man, then you went back to ſee the man again, and then it was you ſaw him ſo deep in the water?——Yes.

Court to Jury. You ſee, gentlemen, he did not ſee him go into the water the ſecond time, but when he returned he was in the wat r.

JOHN ELLIOTT *ſworn.*

What did you ſee of this unfortunate buſineſs?——I was coming up Tottenham Court Road between five and ſix laſt Sunday afternoon, and I ſaw a mob with a pickpocket, and I went up to the water, and I ſaw a boy, I knew him very well; he uſed to draw beer.

How many people were there?——Nigh upon a thouſand people; I knew the boy, and I called to him.

Where

Where did you ſee the boy when you came up?—In the pond.

How far in?—In, I ſuppoſe, five or ſix yards from the ſhore, and I called to him; ſays I, Tom, Tom Wadham, and I ſaid, come out, nobody ſhall hurt you in the world; he was a long while before he could ſee me, but when he could ſee me he made to me, and came to the ſhore-ſide to me; ſome gentlemen ſays to me, as I was catching hold of the boy's hand, oh! this is ſome fellow of yours, ſo I turned round to look at him, and the boy juſt caught hold of my hand, and the priſoner then came and catched him out of my hand, and he ſaid, come here, my man, ſays he, I will take care of you; as ſoon as ever he caught hold of him, the boy fell a ſcreaming, and he took him under the hams, and by the collar, and threw him into the pond; afterwards, whether the priſoner did go in himſelf, or whether ſome body puſhed him in, I cannot ſay.

How far did he throw the boy in?——I ſuppoſe a yard, or a yard and a half, or thereabouts.

Then the priſoner was in the water himſelf?——Yes.

But whether he went in, or was puſhed in, you cannot ſay?—I cannot; then the people that were there ſaid, why do not you follow him? the poor little fellow is ſinking, the boy is drowning, the boy is drowning; the people hallooed out all to the priſoner, what is the reaſon you do not catch hold of him? and he made anſwer, I cannot ſwim, I cannot ſwim; the boy ſtruggled greatly, and then two men began to dive after him.

How far did the priſoner go in, do you imagine?——I ſuppoſe about five or ſix yards

Did you ſee the priſoner come back?—Yes.

Did it appear to you that the priſoner went as far as he could for the depth of the water?—No, I imagine not, he was much about breaſt high, and he cried out to the mob of people that he could not ſwim.

Do not you think that the priſoner meant to uſe his beſt endeavour to ſave the boy?——I did not ſee him make any offer to plunge in after him.

Court. I think, when a man has got as high as you point out, unleſs he can ſwim he muſt neceſſarily be drowned himſelf, do not you think ſo?—I do not think but the man would, if he could get at him in his own ſafety, but he was afraid of his own life to go after him.

Jury. Are you of opinion that the man exerted himſelf to the utmoſt to ſave the boy?——He never went any otherwiſe than breaſt high.

Court. Do you think that the man would have ſaved the boy if he could?——I do imagine he would, if he could, if it lay in his power.

Did you ſee the boy taken out?——No, Sir; when he came out of the pond it was in Squire Mortimer's field; and when we had taken hold of the priſoner we ſecured him.

Did you ſee the boy taken out?—No, I ſaw him the next day.

Jury. Was the boy upon the water when the priſoner went in after him or had he ſunk?——They were in both together after he threw this boy in, he was in.

Was that declaration that he could not ſwim, before the boy had ſunk or after?—After.

How long after?——About half a minute, the boy was in firſt, but he was down directly after him.

Priſoner. Did not I pull off my jacket immediately as I was pulled in the water and go after the boy immediately?—Yes, you did pull your jacket off, and went as far as you could go.

Priſoner. The boy's hair and his head were above water, as far as his eyes.

Court. Pray is the pond a level pond or an unequal pond?—— It is very unequal.

Jury. Where did the man take off his jacket, when he was in the water or on ſhore?—I ſaw him without his jacket, but where it was I cannot ſwear.

JAME

JAMES POMROY *ſworn.*

I was walking along Tothenham-court-road, and they ſaid there was a thief, I went to the pond, and I laid hold of the boy, there were a great quantity of people there.

Were they charging him as a pick pocket?——Yes, I told the mob the conſequence of the pond, that it was a deep place, but that I would take the boy into cuſtody, and take him to a Juſtice.

What are you?—I am a watchman; and a man who has been a conſtable belonging to Marybone, one Thomas Young, ſaid, you ought to be ducked as well as the boy, and I expected it; with that the mob forced him away from me, and my coat was torn in trying to ſave him, they forced the boy from me and took him into the pond.

Who did?——It was a man in a blue coat, a good creditable ſort of a man, but who he was I cannot ſay.

How did he put him into the pond?——They forced him into the pond, I was glad to get away from the pond for fear of being ducked myſelf, I went away a little diſtance from the pond, and I ſaw the laſt witneſs go and call to the boy, he ſaid, young Wadham come out; the boy was cloſe to the pond ſide, and Elliott had hold of the boy, and with that the priſoner at the bar took him out of his hands, and chucked him into the pond, he caught hold of him and flung him in by main force; after the boy ſunk, the priſoner who ſtood by me, took off his jacket, and went into the pond with intent to ſave him, he told the mob he could not ſwim.

Jury. Was it after the boy ſunk or before?——The boy was ſunk, the priſoner went about breaſt high, and he told the mob that he could not ſwim.

Did he go in as far as he could, without loſing his own life?——I cannot ſay but what he did.

Did other perſons go in?—There were two or three more went in.

They could ſwim could they?—They could ſwim.

Did they dive after the boy?—They did.

When was the boy taken out?——I do not know, I took care of the priſoner, and when I came back he was taken out, I believe it was three quarters of an hour.

Jury. You ſaid in the beginning of your evidence, that you told the people the water was very deep?—I did.

You are ſure of that?—Yes.

Do you apprehend the priſoner heard you?—I do not know that he did, there were ſuch a quantity of people that I was afraid of being ducked myſelf, but I am ſure I did ſay ſo.

Court to Priſoner. Have you anything to offer on your behalf to the Jury?

Priſoner. Mr. Errington who keeps Kilburne-wells knows me, and Sir George Rodney would give me a character, but I cannot write, and I could not get anybody to write for me.

WILLIAM LEICESTER *ſworn.*

I am come voluntarily of my own accord to give evidence of what I ſaw of the matter, being there preſent; I was going up Tottenham-court-road, on Sunday evening about ſix o'clock, and oppoſite to Midford-place I ſaw a mob, I went to ſee what was the matter, and among the mob I met with a Mr. Gaſcoine, who lives in Monmouth-ſtreet, who I knew very well; he told me that two men had been fighting, and that it was over on account of a boy having picked a pocket, and they were going to duck him; I went cloſe to the ſide of the pond, and I ſaw the boy forced into the pond by a gentleman in blue, whom I ſuppoſed to be the gentleman that had his pocket picked, the mob hallooed out to the boy to duck himſelf, and the boy begged and prayed, and deſired that he might not be ducked; and ſaid, he had rather be whipped, or anything rather than be ducked; upon which he drew backwards to the pond, the length I ſuppoſe of five or ſix yards, he made an attempt to duck himſelf, but never ducked himſelf higher than his ſhoulders; this man Elliot called out to him, then he came out, and when he came to the bank of the pond, ſomebody put their hand to him, I ſaw a hand put out, but whoſe it was I cannot ſay; upon which ſeveral of the mob cried out he had not been ducked half enough, and one man ſwore he ought to be ducked over head and ears; the priſoner

ſoner at the bar took hold by the collar of the coat, and the waiſtband of his breeches, as nearly as I can recollect, in order to throw him in; the boy clung to him, and went in with him; the boy, almoſt inſtantly as he was in, I look upon it he was not above two yards from the ſhore, he began inſtantly to ſink, I ſuppoſe it to be from the weight of his clothes; ſeveral cried out that the boy was drowning; upon which the priſoner pulled off his jacket, and the priſoner and ſeveral people uſed their beſt efforts to ſave the boy.

How nigh did he go?—He went ſo high at one time, I could but juſt ſee one of his ſhoulders; there was a boy floating about in the pond upon two large pieces of timber, like a Saint Andrew's croſs, and he came ſo near to the place where the boy ſunk, that I had my apprehenſions whether this timber might hinder the boy from riſing; they were very large timbers, almoſt as long as that table each of them.

Court. From what you obſerved upon this occaſion, you have no conception of any intention in the priſoner to deſtroy this boy?—Not in the leaſt, I look upon it in no other light, than he was the dupe of the mob.

Did the priſoner know of your coming?—No, Sir, not in the leaſt; I live with Mr. Croft, a ſilk mercer in Fleet-ſtreet, and I told him I ſhould be glad to come, and he gave me leave; I ſent my direction to the priſoner this morning, and deſired I might be ſent for when his trial came on.

Jury. We have heard nothing from any of the other witneſſes, reſpecting this croſs piece of timber.

Elliot. I cannot diſcern it was nigh the boy, it was further off than from here to the window.

Jury to Wallis. Did you ſee the piece of timber?—I ſaw it, but it was at a diſtance, the mob hallooed to the boy to come out.

Court to Jury. Gentlemen, in order to direct your attention to the evidence, it may not be improper for me to make an obſervation previous to the ſumming it up; which obſervation I have ſtated to my learned brother, and the Recorder, and they concur with me. Gentlemen, this common error of puniſhing pickpockets by ducking, is a thing that happens, we all know, very frequently; certainly ſpeaking in general upon the ſubject, it is never accompanied with an intention of the parties acting in it of taking away the life of the offender; according to the courſe of the law of this country, certainly ſuch a procedure is not ſtrictly juſtifiable; the conſtitution of this country has provided a puniſhment for ſuch offenders, which is to be inflicted on them if they are guilty, upon conviction, in the ordinary courſe of juſtice; but yet, gentlemen, we are to conſider, that we are men, and that the law gives ſome indulgence to the infirmities of human nature; and it is in common experience before you all, where certain provocations are given, and a man is ſlain on thoſe provocations, the law indulges the infirmities and imbecilities of human nature, and allows a jury, from that provocation, to reduce the crime of murder to manſlaughter; and I ſhould conceive, in a caſe like the preſent, that although by no means it would be a ſtrict juſtification of the priſoner, yet, it is competent to the jury, taking the circumſtances of the caſe into their conſideration, and ſeeing that there was no particular malevolence or deſign to deſtroy the perſon, to admit that conſideration to mitigate the charge, and to reduce it from murder to manſlaughter: gentlemen, that is the general idea that I entertain upon a ſubject of this kind, and in theſe ſentiments my learned brother, and my friend Mr. Recorder, concur: I will therefore now ſtate the evidence: [*Here the learned Judge ſummed up the evidence, and then added*] This is an obſervation which, I think, may be made, that, at leaſt, ſpeaking for myſelf, this is the firſt inſtance that ever I knew of ſo unfortunate an event following the puniſhment of ducking; ſo that you muſt ſee there has not been any precedent to give a caution to thoſe people that act upon the ſudden effort of paſſion from the deteſtation of this buſineſs

ſineſs of picking pockets; there has not been any occaſion for any precedent to put people on their guard: I did at the outſet take notice to you of the indulgence of the law to the infirmities of human nature, and it does ſeem clear to me upon this occaſion, and the witneſſes ſeem to ſpeak very plainly and evidently, as well as what the laſt witneſs concluded with, that the priſoner had no ill intention or malevolence whatſoever; I ſhould therefore think, gentlemen, that you will be well warranted, if you ſee it in that light, to reduce and mitigate this charge againſt the priſoner from murder to manſlaughter; but if you think that the man had a diabolical intention to deſtroy one of his Majeſty's ſubjects, (whether he had any perſonal enmity againſt him or not, does not ſignify) then you will find him guilty of murder, but I cannot ſee any ground to raiſe ſuch an inference from this evidence, but if you do, you will find him guilty generally upon this indictment.

The jury withdrew for twenty minutes, and returned with a verdict.

GUILTY,

Of Manſlaughter.

Alſo guilty of Manſlaughter on the Coroner's Inquiſition.

To be fined 1s. *and impriſoned ſix months in Newgate.*

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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752. MARY GEE and ALICE FRIZEN were indicted for feloniouſly ſtealing on the 15th of Auguſt laſt, fifteen pillow caſes, value 30s. two table cloths, value 4s. four napkins, value 6s. three blankets, value 3s. one ſheet, value 5s. four flat irons, value 3s. one waiſtcoat, value 2s. two handkerchiefs, value 3s. one neckcloth, value 1s. 6d. the property of Thomas Pritchett, in his dwelling houſe.

THOMAS PRITCHETT *ſworn.*

I live in Threadneedle-ſtreet; I have at many times loſt things out of my room, and in particular ſome time in Auguſt, I think on the 13th; and I took out a warrant againſt the priſoners; I ſaid to the priſoner Gee, Mary, I have loſt a damaſk napkin, and nobody can have it but you, or by your knowledge; ſhe ſaid, ſhe was very ſorry, and could not think how it could go; the bureau was in the middle room; I always gave her the key of my room whenever I went out; I never went out but if I left a neckcloth it was gone; I began to ſuſpect Mary Gee, who was frequently drunk, and by the advice of my friends I took out a warrant againſt her who was my ſervant; I told her, if ſhe would tell me where the things were I would redeem them, but ſhe never informed me; the other priſoner lived ſervant up ſtairs, and ſhe having pawned her miſtreſs's things, I came at the knowledge of my own; I found them at Mr. Jones's, a pawnbroker.

Did you ever get any of your things from there?—Yes, ſome pillow caſes, and ſeveral other things.

THOMAS JONES *ſworn.*

Do you know the priſoner Mary Gee?——Yes, ſhe uſed our houſe for theſe five months paſt.

What did ſhe pawn at your ſhop?——A waiſtcoat, fifteen pillow caſes, a table-cloth, three napkins, ſeven towels, and ſundry other things.

Were they all pledged ſeparately by Mary Gee?——No, ſome by Alice Frizen; they were all pledged in the name of Ann Dyer; Gee came as often as the other, but I cannot ſwear to any thing that ſhe pledged but that handkerchief; they ſaid it was one and the ſame thing; I thought her name was Ann Dyer then; they never pledged but one thing at a time from February to Auguſt.

Proſecutor. There is no mark on the linen, they are mine and nobody's elſe.

ELIZABETH SAUNDERS *ſworn.*

I have frequently gone to Mr. Pritchett's houſe

houſe, and I have frequently ſeen his maid very much in liquor, that is the priſoner Gee, and on one day I ſaw her take down the key and open the cloſet door where he kept his liquors, but where ſhe got the key from I do not know, and ſhe took out a bottle with liquor, and put it there again and locked the door, but what ſhe did with the key I do not know.

Proſecutor. This falſe key I found in my cellar wrapped in the tail of a woman's gown, and put under a pail, I have tried it, and it opens all the drawers of my bureau but the top, the top being the mother key it will not open that.

Priſoner Gee. When I was hired to Mr. Pritchett, I was informed he was a broker and auctioneer, then I found he got his living by giving falſe characters to ſervants, to get them into houſes to rob their maſters and miſtreſſes, and things are brought to his houſe; that woman is his daughter in law, and her mother is his wife.

Priſoner Frizen. What Jones has ſworn againſt me is falſe.

RICHARD GETLING *ſworn.*

I have known Mary Gee for eight, nine, or ten years, ſhe has lived with me at different times, and always behaved very honeſtly.

MARY WATTON *ſworn.*

I am a watch-maker's wife, I come to ſpeak for Alice Frizen, I have known her almoſt three years, a very good character as far as I know of her, here was another gentleman with me, *but he is loſt in the croud.*

Court to Jury. Gentlemen, theſe things to make it a capital offence, muſt be all taken at one time.

MARY GEE, GUILTY,

Of ſtealing to the value of 39s.

To be privately whipped and diſcharged.

ALICE FRIZEN, NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

753. JOHN BLOMBERG was indicted for feloniouſly ſtealing, on the 24th of Auguſt, one man's linen ſhirt, value 8s, the property of Roger Evans, John Evans, and William Evans, privily in their ſhop.

WILLIAM EVANS *ſworn.*

I live at Wapping.

Who are you in partnerſhip with?—Roger and John Evans, on the 24th of Auguſt laſt, the priſoner came in to look at ſome white ſhirts, I ſhewed him two papers of plain ones, he then wiſhed to look at ſome ruffled ones; while our young man Thomas Edwards was opening a paper to ſhew him ſome, and I was making up a parcel which could not take me more than half a minute, I turned round, when I came to look at the priſoner, he had a ſhirt under his waiſtcoat, and I ſaw the mark hanging to the tail of it, which hung behind his waiſtcoat, as ſoon as he ſaw my eyes fixed on the ſhirt, he immediately ran out of the ſhop, I deſired Thomas Edwards to purſue him.

THOMAS EDWARDS *ſworn.*

On the 24th of Auguſt, between ſeven and eight, the priſoner came into our ſhop and deſired to ſee ſome white ſhirts, I ſhewed him two papers, he then deſired to ſee ſome ruffled ones, I ſhewed him ſome, he then aſked the price, and immediately ran out of the ſhop; Mr. Evans ſaid, he had a ſhirt under his coat, and deſired me to purſue him which I did, and overtook him, he ran about thirty yards, and one of the witneſſes attempted to ſeize him, but he immediately ſtruck him down, he ran a few yards further, and ſeeing another man ready to ſeize him, threw the ſhirt from him, I ſaw the ſhirt taken up and delivered to Mr. Evans, it was given to Mr. William Evans by a ſtranger.

(*The ſhirt produced and ſworn to value* 8s.)

WILLIAM SAUNDERS *ſworn.*

Between ſeven and eight I heard the cry of ſtop thief! at Mr. Evans's door, I turned round and ſaw a man run up to me, I tried

I tried to catch at him, and he ſtruck me down.

JOHN COOK *ſworn.*

As I was coming from my work between ſeven and eight, I ſaw the priſoner and ſeized him, I never quitted him till I brought him to the proſecutor's ſhop.

The Priſoner called ſix witneſſes who gave him a very good character.

Mr. Garrow. Did you ſearch this man when he was taken?—No.

Do you know whether he had any money in his pocket when he was taken?—I cannot tell.

GUILTY, 4s. 10d.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice ASHURST.

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754. TIMOTHY BRYAN was indicted for that he, not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 25th day of September laſt, in and upon one Francis Weeden, in the peace of God and our Lord the King then and there being, feloniouſly, willfully, and of his malice aforethought, did make an aſſaul, and with both his hands and feet, him the ſaid Francis, in and upon the head, breaſt, belly, ſtomach, back, loins, and ſides, of the ſaid Francis, divers times did ſtrike, beat, and kick, and him did to and againſt the ground divers times, caſt and throw, giving him as well by the ſaid ſtriking, beating, and kicking, in and upon the head, breaſt, belly, ſtomach, back, loins, and ſides of the ſaid Francis, divers mortal bruiſes, of which he lingered till the 4th of October laſt, and on the 4th of October laſt, the ſaid Francis of the mortal bruiſes aforeſaid did die, and ſo the Jurors ſay, that the ſaid Timothy him the ſaid Francis in manner and form aforeſaid, did kill and murder.

He was alſo charged on the Coroner's inquiſition, with feloniouſly killing and ſlaying the ſaid Francis.

Owen. My Lord, the priſoner ſays, he is newly come from Ireland, and does not underſtand Engliſh well enough to know what the witneſſes ſay againſt him.

Court. Why he pleaded not guilty.

Mr. Juſtice Gould. Aſk him from what part of Ireland he comes?——From the county of Corke.

Mr. Baron Hotham. Priſoner, do not you underſtand Engliſh at all?—Not one word in ten.

Jury. He fully underſtands to give your Lordſhip a very proper anſwer.

Court. I fancy you may go on.

Court to Priſoner. You will attend to what the witneſſes ſay, and where you do not underſtand what they ſay, apply to me and I will tell you.

NICHOLAS WEEDEN *ſworn.*

The priſoner and the deceaſed, and ſome more were ſitting in a box, I do not know what day of the month it was.

What month?—I cannot tell.

How long ago?——About ten or eleven months ago.

Where were you ſitting?—At the ſign of the Crown, Wapping-wall, Shadwell; and as the deceaſed was going over the table, he laid his hand on a half pint pot, and his foot ſlipped, and it came cloſe to the priſoner.

Was it ſpilt upon the priſoner?——No, it was not ſpilt, there was nothing in it, with that, ſays the priſoner at the bar, if you knock my brains out, what will become of you; ſays the other, it did not go near you, with that the priſoner ſaid, he had a great mind to ſtrike him, and he got out of the box and made *an offer* at the deceaſed, that is he made *the offer* at him, and Francis Weeden ſtruck him down the eye, with that the priſoner laid hold of him, and hit him againſt the table, and broke

broke the ſide of the table, and his neck and ſhoulders came againſt the coal box; then he was taken and ſtretched on a table, he could not move, and was carried up ſtairs, he was very bad all night, he was taken to his brother's houſe the next day, and on Tueſday after he was brought to the Hoſpital, and he died there.

Court. How long had you been drinking there together?—About an hour.

Were the deceaſed and the priſoner ſober, or were they in liquor?——They had been both in liquor.

Were they both ſhip mates?—Yes, both worked together till this accident of the pot falling down.

Had they been good friends?——They diſputed about one halfpenny at firſt, and they made it up afterward, and they had no words at the time at all, the deceaſed man ſaid, he lent him ſeven-pence, and they diſputed about the halfpenny.

Court. Priſoner, if you wiſh to aſk that good man anything, aſk him anything that you pleaſe; aſk him in Iriſh? *(He anſwered in Iriſh.)*

Court. What is that.

A Witneſs. He ſays, he is affraid of his life.

PETER SWINNEY *ſworn.*

Was you preſent at the time?—Yes, my Lord, from firſt to laſt, they went to the public houſe, the whole *kitt* of them, they got drunk, they were as well united as any men in the world during the time, we collected five ſhillings of a Saturday night for ſettling money, in collecting the money this man lent the deceaſed ſeven-pence, the little fellow the deceaſed man took a pint pot in his hand, and threw it all down whether he went to ſtrike this man or no I cannot ſay, but he chucked it into this man's breaſt, then ſays the priſoner you may as well knock my life out, and he hit him juſt over his eye, and gave the priſoner a black eye, the priſoner laid hold of him, and they both came againſt the table and fell, I never ſaw the priſoner give the deceaſed a blow.

Court. It is impoſſible to make it murder, it muſt be manſlaughter.

GUILTY

Manſlaughter.

To be fined 1s. *and diſcharged.*

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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755. WILLIAM HUGHES was indicted for that he, on the 2d day of September, upon Edmund Lechmere, Eſq; in the peace of God and our Lord the King, then and there being, feloniouſly did make an aſſault, and did then and there in a forcible and violent manner, unlawfully, willfully, and feloniouſly demand the money of the ſaid Edmund, with intent to ſteal the ſame againſt the peace.

EDMUND LECHMERE, Eſq; *ſworn.*

I live in Brunſwick-row, Queen-ſquare, and I was returning home in a hackney coach, at one o'clock on the morning of Monday the 2d of September; the coach was going pretty faſt, and it ſtopped ſo ſuddenly, that I thought ſome accident had happened, or that one of the horſes had fallen, I was on the left hand corner of the coach, and was juſt going to let down that window to aſk the coachman if anything was the matter, when that inſtant the right hand door opened, and two men ruſhed in at the door, and one of them put his right-hand againſt me, and both of them at the ſame inſtant, ſaid, your watch and your money, quick, Sir; quick, be quick! they repeated it ſeveral times; the other man who afterwards made his eſcape, a much ſhorter man than the priſoner, ſeeing he had an inſtrument in his hand, I could not tell what it was, I put my hand into my breeches pocket, where I had ſome gold and ſome looſe ſilver, when at that very inſtant to my great ſurpriſe both the men who demanded my money vaniſhed from the door; I heard a voice ſay with ſome expreſſion that I cannot recollect,

collect, or mention, what do you ſtop my coach for, and about the diſtance of five yards, I ſaw two men ſtruggling together; it was extremely dark, and I got out of the coach as faſt as poſſible, the coach door was put too again, when I came up to the ſpot, the coachman ſaid maſter, I have got one of them, but the other has made his eſcape; when I came up, I found the coachman and priſoner ſtruggling together; it occurred to me at that very inſtant, from a manœuvre of the priſoner as he was turning himſelf, that he meant to make his eſcape by pulling off his coat; I had no arms, nor a ſtick, I ſtruck him with my fiſt, and he fell backwards, and I then ſeized him by the collar, and held him down and called out watch, and it was ſome minutes before the watchmen came, but when they did come up, they explained the circumſtance of their not coming up immediately, for they were calling the hour, and were at a diſtant end of the ſtreet, and when they did come up, I will do them the juſtice to ſay, they uſed every attention and zeal in taking the man; the coachman was ſo active, that he left his coach and horſes without any perſon on earth to take care of them, becauſe he would ſecure him; the man was taken to the watch-houſe, he had no arms of any kind about him, he had not a knife at all; this is the whole of what I have to ſay, but I think in juſtice, I muſt add this, that he made uſe of no abuſive imprecations whatever, or dreadful expreſſions of any ſort, and he had no weapons about him of any ſort; it would have been impoſſible if we had not ſecured this man at the inſtant, that I could ever have recollected their features, for I was coming by the rails of Bloomſbury Square, to Queen's Square, and they were with their backs to the lamps, therefore I could not ſee their faces.

CHARLES CUNNINGHAM *ſworn.*

I was going acroſs Queen Square, with that gentleman home, and I ſaw two men running after the coach, and they hallooed out ſtop, ſtop, juſt as I came to the corner of Bloomſbury Square I ſtopped, and one of them ſays, damn you, ſtop this minute, I replied to the man, damn you, what do you want to ſtop my coach for? and I immediately jumped off my box; the other made off, and I caught this man at the coach door; I heard the priſoner demand the gentleman's watch and money.

Court. How do you know it was him? ——Becauſe nobody elſe was nigh but him; I laid hold of the priſoner, and got him down, and in a ſhort time the gentleman came.

—— PAYNE *ſworn.*

I was crying the hour of one, in Southampton-ſtreet, Bloomſbury, I heard the cry of watch, watch, when I came up, I took hold of the priſoner, he was down on his backſide, and as I took hold of him, the gentleman and the coachman both told me they had been ſtopped, and the coach door was opened by the priſoner at the bar, and the priſoner demanded his watch and money, and he told him to deliver it quick; I never quitted him till I took him to the watch-houſe.

THOMAS FLOWER *ſworn.*

I heard the cry of watch, watch, I took the priſoner, I never quitted him till he came to the watch-houſe; we ſearched him, there was nothing about him but 5s. 6d. in money.

PRISONER's DEFENCE.

I live in the neighbourhood of Liquorpond-ſtreet, and coming along Bloomſbury Square, I was a little in liquor, and I went againſt the rails, the coach ſtopped oppoſite to me, as I turned the corner of the ſquare the coachman ran after me, and ſtruck me with the ſide of his whip.

Court. Did the priſoner appear to be drunk?—I cannot ſay he did.

WILLIAM CROPFORD *ſworn.*

I have known the priſoner ever ſince he was ſix or ſeven years old, he was a fiſhmonger, and his father died and left him a good deal of money.

How long has he been a fiſhmonger?—— Two or three years, I have not known him

theſe

these two or three years particularly, I always thought he lived upon what his father left him; I have had dealings with him, I keep a shop at Temple Bar, I took him to be a very honest young fellow.

SAMUEL OTTER *sworn.*

I have known him between four and five years, I have not known him these two or three last years, I never knew a dishonest thing by him in my life.

WILLIAM HARRISON *sworn.*

I have known him ten years, a very honest, just man, I have not seen him some time, I do not know what he follows now, I thought he was independent, his father left him a great deal of money.

Jury. Where did he live at the time he was taken up?—I do not know, I saw him a week before.

How long before that?——I cannot rightly say.

JOHN HENSHAW *sworn.*

I have known him about fourteen years, I lived at the next door to his father, he bore a very honest character to the best of my knowledge, I never knew any other of him; of late years I cannot say I know so much of him, he has left our neighbourhood about two years, his father was rather opulent, and left him a good deal of money.

CHARLES ALLEN *sworn.*

Before the prisoner's uncle died, in his illness he got me to market for him, and he did sell a deal of fish, he took to the business himself, I thought he had a sufficiency to live on; while I knew him no man in the world bore a better character, as punctual and as upright as the day.

DAVID DAVIS *sworn.*

I have known him this fourteen years, he lived next door, and during the time I knew him, he bore a very good character, within these two or three last years, I have not had much acquaintance with him.

Court to Conclusion. The Court is extremely well satisfied with your behaviour, and also with the watchman, therefore if you go to the officer, you will have a liberal allowance.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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756. SAMUEL LOVEL was indicted for feloniously stealing, on the 4th day of July last, twenty-eight pounds weight of barley sugar, value 20s. the property of a person unknown.

WILLIAM DENNETT *sworn.*

I am constable, at half after three o'clock in the morning, I saw the prisoner coming with the sugar, and I stopped him.

What did he say?——He said, he got it by sweeping the lighter he had been working on board of.

Prisoner. I told the watchman I was going to carry the sugar to the Captain.

JOSEPH FENNELL *sworn.*

This watchman brought him up to the watch-house, I asked him how he came by it?—He said out of the lighter he had been at work on board of.

Did you go with it to the Captain?—I did, but not with the prisoner.

Then you cannot say any thing which the Captain said.

Court. Then I cannot put the prisoner upon his defence.

NOT GUILTY.

Tried by the first London Jury before Mr. RECORDER.

The next Part will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

757. CORNELIUS COLLINS was indicted for feloniouſly ſtealing, on the 4th day of Auguſt, one iron grate, value 2s. one iron bar, value 2d. belonging to the Right Honourable Henry Earl of Uxbridge, then and there fixed to a certain dwelling houſe of the ſaid Earl, againſt the ſtatute.

JOHN VARDY, Eſq; *ſworn.*

I have the direction of the works carrying on for the Earl of Uxbridge in Burlington-gardens, Vigo-lane; my Lord Uxbridge has a houſe in Burlington-gardens, we had miſſed ſeveral pieces of lead, and other things, and I happened to be there, I think, on the 4th of Auguſt, at four in the afternoon, I was informed a man was carrying a grate, and while I was talking about it, the people ſaid he was coming back, I deſired him to be brought into the houſe; while I was talking, I on a ſudden miſſed the man, he had got into the back-yard, and was walking away, not running; I called him, but he did not ſtop; I went out and ſeized him by the collar, and brought him in.

Was that the priſoner?——To the beſt of my recollection, and to the beſt of my belief he is, I will not ſwear poſitively that he is the man, the man was committed; the priſoner took us to a man that lived in Carnaby-ſtreet, one Crook, where he had ſold it at a penny a pound.

Mr. James, Priſoner's Council. Then the priſoner went voluntarily and ſhewed you where the grate was?——Yes.

Did you happen to obſerve, Sir, whether the priſoner was intoxicated or not?——He did not appear to be much intoxicated, there was a ſort of ſtupidity about him; it was an old grate, and had been mended.

Court. Deſcribe the ſituation of this grate?——There is a plate under the grate, it is under the ſtreet.

Mr. Juſtice Gould. Do you know who was at the expence of putting this grate there?——A perſon that belonged to the Duke of Queenſborough.

JOHN CROOK *ſworn.*

I am a ſmith, I live in Carnaby-ſtreet, my wife bought the grate, I was not at home.

ANN CROOKE *ſworn.*

The priſoner brought a grate, and an iron bar to our houſe, the 4th or 5th of Auguſt, he ſaid, here is a bit of old iron for you miſtreſs; I put it into the ſcales and weighed it, we buy old iron, it weighed thirty-ſeven pounds, I gave him three ſhillings and one penny for it.

I

Is that the uſual price for old iron?——Yes.

Did he ſay how he came by it?——No, nor I had not the preſence of mind to aſk him, becauſe he brought it in open day-light on his head.

(The grate produced by John Crooke.)

This is the grate, I always buy every thing in open day-light.

Court. But then you ſee, from this inſtance, how neceſſary it is to diſtruſt a little.

JAMES ROBJOHN *ſworn.*

I fixed this iron at the front of Queenſborough-houſe about May laſt, by the orders of the Duke of Queenſborough's ſervants, I know it to be the ſame iron.

ANDREW MORLEY *ſworn.*

I ſaw the priſoner go down Cork-ſtreet with this grate on his head, on Thurſday, which was the day on which it was miſſed; it wanted about ten minutes of ſix; I cannot ſay he was ſober, he was rather in liquor.

JAMES THOMPSON *ſworn.*

When we went before Juſtice Hyde, he deſired me to take the dimenſions of this grate, I meaſured it, and it tallies with the hole.

Mr. James. My Lord, I am inſtructed that this was not fixed, but was found, if ſo, it will do away the indictment.

JAMES COWPER *ſworn.*

Were you in company with the priſoner on the 4th of Auguſt in the afternoon?—I was going paſt there accidentally in the courſe of my buſineſs, I obſerved the priſoner pick up a grate, I was very nigh Cork-ſtreet, by Burlington-buildings, and I ſaw a grate lay there, and the priſoner came up to me, and aſked me, if it belonged to me; I told him no, I knew nothing about it, then ſays he, I will take it up, and make ſome beer of it.

Were theſe the particular expreſſions he made uſe of?——Yes.

Are you poſitive of that?——Yes.

What part of Cork-ſtreet was it?—Near Burlington-buildings.

Vardy. After you have paſſed Cork-ſtreet before you come to Vigo-lane, the outſide of the houſe is palliſaded in the coach-way.

Court to Cowper. What part of the ſtreet was it in?——In the road-way, quite from the kirb, it was detached from any buildings, it was laying by itſelf.

Was it in the ſtreet that communicates into Saville-ſtreet?——It was laying upſide down, quite in the middle of the coachway, not on the pavement.

THOMAS BINDER *ſworn.*

I am in partnerſhip with Edward Wallis; and the priſoner worked with us at Uxbridge-houſe, he was a bricklayers labourer, he has worked for us ſome years, I never heard any thing amiſs of him till this time.

Is he to your knowledge a hard-working induſtrious man?——The ſame as other labourers.

——— BARNES *ſworn.*

I have known him between ſeven and eight years, a very honeſt hard-working man.

JOHN SOMMERS *ſworn.*

I have known him between ſeven and eight years, he behaved himſelf like another workman, never heard anything amiſs of him in my life.

DENNIS O'BRIEN *ſworn.*

I have known him between ten and eleven years, and upwards, he was a bedfellow of mine, a workman of mine, and a lodger of mine; I am ſure his character was extraordinary good till this preſent time.

TIMOTHY SULLIVAN *ſworn.*

I have known him ſixteen years, I never heard a word of a ſtain in his character till this time, he worked for me five years conſtantly.

JOHN SULLIVAN *ſworn.*

I have known him nine years, I worked with him both in town and country, and he

he has been a lodger of mine, and I never heard anything amiss of him.

OWEN HARRINGTON *sworn.*

I have known him eleven years, and never heard or knew anything amiss of him before.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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758. JOSEPH NEWLAND was indicted for feloniously stealing on the 23d day of July last, twenty-eight pounds weight of lead, value 5s. belonging to Robert Keene, Esq; and then fixed to a certain building of the said Robert, against the statute.

THOMAS SAMUEL *sworn.*

I am a bricklayer, we have been building a house for Mr. Keene in Tabernacle-walk, St. Luke's; the main part of the house was newly covered in, it was not inhabited, nor is yet; the gutters had been laid but a few nights before, some persons stripped the gutter from the roof; we found it necessary to appoint a watch, they watched about a week, and then came to me, and informed me they had taken a thief.

What day was it?——It was the morning of the 23d of July, between three and four; it was a gutter over a back office, the tiles were torn off, no lead was carried off.

JOHN ROBINSON *sworn.*

On the 23d of July, I was going round between three and four, I saw the prisoner on the top of the kitchen; I turned a rattle and got assistance, and he got into the yard; I then went over the wall, and in searching about half an hour, we found the prisoner concealed in a chimney, and I saw the hold-fasts cut out and doubled up, and removed from its place.

JAMES BLUNDELL *sworn.*

On the 23d of July, I heard a rattle go, I made the best of my way to the rattle; I got over into the yard with Robinson, we searched the house from top to bottom, and could see or feel nothing of him, it was the dawn of the day, and a gentleman brought a light to me, and in a chimney in the lower room I found the prisoner.

PRISONER's DEFENCE.

In the evening before I had been with an acquaintance of mine as far as Westminster, and was drinking till late; coming home I found it was too late to get into my lodging, and I was coming by this place, and I saw it was an empty place, and I went in to rest myself out of the way of the watch; I lay there two hours, or two hours and a half, and in the morning I awoke and found it was break of day.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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759. ROBERT HOLMES was indicted for feloniously stealing on the 8th day of August, one metal watch, value 15s. a base metal watch chain, value 6d. a stone seal, value 3d. two keys, value 2d. a pair of knee buckles, value 3s. a hat, value 2s. two waistcoats, value 3s. a pair of breeches, value 3s. a pair of stockings, value 3s. and one linen waistcoat, value 6d. the property of George Harrison.

ISAAC MASON *sworn.*

I live at Greenwich; I deal in brokery goods, the prisoner came to my house about the 9th of August, and sold me this watch that I have in my hand.

What did you give him for it?——Seven shillings, it is a metal watch, a very indifferent one.

Was he dressed then as he is now?——No, he had a light coat and a shirt on, he told me he was a sailor, and was going to Chatham.

GEORGE

GEORGE HARRISON *ſworn.*

I am a ſmith, I know the priſoner, he laid in the ſame bed with me, I loſt the things in the indictment all together, on the 8th of Auguſt; I was out in the afternoon, this is my watch, he had ſlept with me about a fortnight, I miſſed the things that night when I came home, he never came back again, he was taken on the Sunday following.

Priſoner. I took it out of the drawer.

GUILTY.

Six Months impriſonment.

Court to Maſon. I cannot help telling you, that you are in luck, in not being indicted for being the receiver of theſe ſtolen goods; for it is impoſſible that you ſhould not ſuppoſe, that that boy ſtole the watch.

One of the Jury. My Lord, I am of the buſineſs, and that watch is worth three times the money.

Court. If I could puniſh you I certainly would.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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760. ELIZABETH GOWER was indicted for feloniouſly ſtealing, on the 29th of January, one ſilk gown, value 5s. a cotton gown, value 5s. a ſilk petticoat, value 2s. a dimity petticoat, value 2s. a marſeilles petticoat, value 5s. two linen table cloths, value 6d. a marſeilles waiſtcoat, value 5s. two muſlin aprons, value 5s. a fringed ſhawl, value 6d. a marſeilles waiſtcoat, value 2s. a pair of boots, value 2s. a pair of cotton ſtockings, value 12d. one ſhift, value 12d. four ſmall pieces of muſlin, value 12d. the property of Thomas Thrale.

THOMAS THRALE *ſworn.*

I am a coach-maker, I work in Long Acre; in the beginning of laſt January, I cannot ſay the day, I loſt ſeveral articles which my wife can name, I know I loſt my coats.

ANN THRALE *ſworn.*

I loſt the things mentioned in the indictment, theſe things were taken out of my drawers in my bed room, they all went from one place, which makes me ſuſpect they all went at once, I found one of my gowns about ſeven months afterwards, the priſoner lodged with me five or ſix months, ſhe came to me in December, they were furniſhed lodgings, ſhe came to me as a married woman, Mr. and Mrs. Gower, and officer told me they had the priſoner in cuſtody that day for robbing her lodging, and he ſaid to me did ſhe rob you, I ſaid no, becauſe my huſband charged me to ſay no, for fear they ſhould puniſh me for what I had ſaid, as I could not prove it at that time, I went with him to ſome pawnbrokers with ſome tickets, which he ſaid he had taken from her, and there I found my table cloth.

——— LIGHTFOOT *ſworn.*

I am ſervant to Mr. Payne, in Wardour-ſtreet, he is a pawnbroker, we had an order from Litchfield-ſtreet, to ſtop the priſoner when ſhe came to our ſhop, which we did; on the 29th of January, we took in of her a table cloth, this is the ſame, it was pledged in the name of Mrs. Brown, ſhe ſaid they were her own property, when ſhe left them at our houſe. *(The table cloth depoſed to.)* We have nine duplicates of things pawned by the priſoner, and all the reſt proved to be the priſoner's wearing apparel.

JOHN CROUCH *ſworn.*

I am a pawnbroker, I produce a pair of boots, which I believe was pawned by the priſoner, I am not poſitive, they were brought on the firſt of January, the proſecutor believes them to be his boots.

Court to Thrale. Look at theſe boots? ——Theſe are my boots, I know them by the tops.

Priſoner. I never pawned any ſuch thing as boots in my life, I know nothing of them, the table cloth is my own property, I bought it of a man.

Mr. Thrale. It is mine.

Jury to Profecutor. Was not there other lodgers in the houſe?——Yes, I did not ſuſpect her, had not other things occured that gave me great reaſon.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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761. ELIZABETH BLAND was indicted for feloniouſly ſtealing, on the 23d day of June laſt, one pair of woman's ſtays, value 6s. one linen ſhift, value 4s. one woollen apron, value 18d. one cap, value 2s. the property of Elizabeth King.

JANE MOORE *ſworn.*

I live in Whitecroſs-ſtreet, the priſoner at the bar pledged theſe things with me, the 22d, 23d, and 24th of July, I knew her a little while before, ſhe pledged them in the name of Elizabeth Blake, here is a pair of ſtays, a blue apron, a ſhift, and a cap.

ROBERT LYRE *ſworn.*

I was ſent for to take the priſoner into cuſtody, I took her out of a cellar, ſhe was charged with robbing her miſtreſs, Elizabeth King, ſhe immediately owned ſhe pawned the things with Mrs. Moore, there was no promiſes made her of favour, and ſhe ſaid, ſhe hoped her miſtreſs would forgive her; ſhe ſaid ſhe pawned them with Mrs. Moore, in Whitecroſs-ſtreet, ſhe acknowledged they were her miſtreſs's things, ſhe ſaid ſhe did not know what bewitched her for doing ſo, for her miſtreſs was a very good miſtreſs; ſhe went with us to the pawnbroker's ſhop, ſhe ſaw theſe things, and acknowledged them to be the things ſhe pawned.

Priſoner. I lived along with my miſtreſs's ſiſter, and living with her there was a woman came out of the workhouſe, and ſhe diſcharged me, ſo this woman lent me ſome things to pawn, and ſhe gave me a week to redeem them in, and her own ſiſter promiſed me if I would get them out, ſhe would not hurt me, and my proſecutor if ſhe was here, could not deny it.

ELIZABETH KING *ſworn.*

I ſell fiſh and fruit, I took the priſoner as a ſervant, ſhe lived with me the ſpace of ten or twelve days, ſhe was in the neighbourhood out of emplo , I had no character with her; I left her one day to ſell ſome goods, I left her with a pounds worth of property, ſhe owned ſhe took twelve ſhillings and ſixpence, ſhe came in and ſaid, miſtreſs, I will give you the money I took yeſterday, between eight and nine in the morning; when I waked the priſoner was gone, and the door half opened, I looked for my ſtays, I miſſed them and one old cap, one ſhift, and one apron, I never ſaw the priſoner for three weeks; I ſaw her in a court, and when ſhe ſaw me, ſhe ſlipped down a cellar, I waited to ſee her, and gave charge of her; I am ſure ſhe is the ſame perſon.

What did the priſoner ſay?—When I took her, ſhe cried, and I told ſhe muſt cry then for ſhe left me to cry.

Did you promiſe her any favour?——I did not, ſhe owned to the property, and the conſtable ſet down every thing.

Did not you promiſe her?——Before ever I took her, I ſaid I ſhould light of her one time or other, but if the things were brought me, I could not tell what I ſhould ſay, her mother lived in Whitechapel.

Is there any particular mark?—There is.

(The things depoſed to.)

Priſoner. She knows ſhe promiſed me a week to take out the things.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

762. MARY

762. MARY FREELOVE was indicted for feloniouſly ſtealing, on the 11th day of March laſt, one pair of linen ſheets, value 3s. a ſmall copper ſaucepan, value 6d. a braſs candleſtick, value 6d. two knives, value 2d. two forks, value 2d. two prwter table ſpoons, value 1d. the property of Joſeph Chamberlaine, being in a certain lodging-room, let to hire, by the name of Mary Johnſon, and to be uſed by her and one John Johnſon, her pretended huſband, againſt the ſtatute.

ELIZABETH CHAMBERLAINE *ſworn.*

My huſband's name is Joſeph; we have a houſe in Orange-court, King-ſtreet, Seven-dials; the priſoner came to lodge with me the 11th of March; ſhe came in the name of Mary Johnſon; ſhe ſaid her huſband worked at Mr. Hatchet's in Long-acre; ſhe gave me 6d. earneſt, and aſked if I had any good ſheets; ſhe ſaid her huſband did not love to lay in coarſe ſheets; ſhe took the room by the week, at half a crown a week; ſhe was to find her own crockery ware: ſo I put on the ſheets I had, ſeeing her a decent motherly kind of woman: ſhe came to my houſe the ſame night, about eight, and went up ſtairs, and ſhe took the ſheets that night; ſhe ſaid ſhe muſt go and meet her huſband with the box; ſhe went out, and locked the door, and did not return: when ten o'clock came, I ſuſpected her, and had the door broke open, and the property was gone, as mentioned in the indictment; ſhe never came back; ſhe never lay there at all; when I found her, I told her I would not hurt her if ſhe told me where the ſheets were, and ſhe took me to a pawnbroker's, but he had not the ſheets.

Are you ſure that no other perſon had not been in the place till you broke it open?—No, nobody ever was in the place.

How long did ſhe ſtay in the place?—She had her dinner, and ſhe made her a diſh of tea; and between ſeven and eight ſhe came down, and ſaid, ſhe was going to help her huſband with a box.

SUSANNAH AVIS *ſworn.*

I have lived in Mrs. Chamberlaine's houſe two years: on the 11th of March the priſoner came into the room at her houſe; ſhe took the room the week before.

What was the agreement?—Half a crown a week; there was a padlock to the door, and the key was delivered to her; ſhe came in about twelve, and went out about ſix or ſeven; ſhe ſaid her huſband's name was Johnſon, and was a ſawyer.

PRISONER's DEFENCE.

The proſecutor ſaid ſhe had no ſheets but her childrens, I told her it was nothing to me, if I lay in the blankets; I never ſaw any ſheets; ſhe offered to make it up for half a guinea; I never touched the ſheets; I have nobody at all as witneſs.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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763. DAVID FLEMMING was indicted, for that he, on the 28th of Auguſt, feloniouſly, willingly, and knowingly, did perſonate, and falſely aſſume, the character of one Daniel Skannell, on board the Cerberus, in order to receive the ſaid wages and pay againſt the ſtatute.

A ſecond count. For that he, feloniouſly, willingly, and knowingly, did falſely aſſume the ſaid name and character, who had then lately ſerved our Lord the King on board the Cerberus, who was then ſuppoſed to be intitled to certain wages and pay, in order to receive the ſame againſt the ſtatute.

The indictment opened by Mr. Knowles, and the caſe by Mr. Fielding.

I think the act of parliament may meet this crime; if you ſhould be ſatisfied that he, when he applied at this office, did it with an intention afterwards to apply to the pay-table, and receive the pay of this ſeaman;

man; if you ſhould ultimately be of opinion that he did it wantonly, fooliſhly, and that he had no ſuch intention to receive the money, as he certainly has not applied to the pay-table, it may be lucky for him that he was detected in this early ſtage of buſineſs; I ſhall be perfectly ſatisfied with the deciſion of the law from the Recorder.

——— HODGSON *ſworn.*

I am one of the clerks in the Ticket-office, Crutched-friars, I ſaw the priſoner on a Saturday laſt month, I do not recollect the day, he came to me, and aſked me, whether his name was upon the books of the Old Cerberus, there is a frigate in the ſervice of that name; I aſked him for his certificate; I repeatedly aſked him his name, he ſaid, Daniel Skannell; he pulled out a certificate, with the name Daniel Skannell upon it; this is the certificate, which he produced; I marked it upon the back.

Court. What did he ſay his name was? ——Daniel Skannel.

Court. That is not the name in the indictment, this is Saunderſon, the name in the indictment is Daniel Skannell.

Mr. Fielding. This is the only evidence of his aſſuming the character.

Court. The character in that certificate is the character in the book?—He ſhewed me the certificate, and ſaid that was his name.

Mr. Fielding. Then there is no doubt.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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764. LYDIA KENELLY was indicted for feloniouſly ſtealing on the 8th day of July laſt, one piece of printed linen handkerchiefs, containing nine handkerchiefs, value 8s. the property of Joſeph Bourman and Elias Biſſon, and Robert Barrett, privily in their ſhop.

JAMES HENNESEY *ſworn.*

I was ſhopman to Meſſrs. Bourman and Co.

Do you know the priſoner?——Yes, I was waiting on another cuſtomer when the priſoner came into the ſhop; ſhe had been in about half an hour, and the perſon I was ſerving informed me ſhe ſaw the priſoner ſteal ſome handkerchiefs; I jumped over the counter.

What time of day?——I cannot recollect.

What day was it?—I cannot recollect.

Do not you know whether it was morning or afternoon?—I cannot recollect.

If your memory is ſo very uncertain, how can you undertake to recollect the circumſtance, did you ſee the priſoner come into the ſhop?——Yes, ſhe came to buy ſome cotton handkerchiefs; I did not wait upon her; the perſon that ſerved her is here.

Is that lady here that ſaw her take them? ——No.

You underſtand that ſhe ſaw her take them?—Yes; on that I immediately jumped over the counter, and cried, *Devonſhire*, a word we uſe when we ſuſpect any body; then the people were all on their guard; I was going to untie her apron, but ſhe undid it, and ſhook her cloak, and a little boy that is here ſaw the handkerchiefs drop.

GEORGE BOURMAN *ſworn.*

I am ſixteen years old; I am the perſon that ſerved the priſoner.

Did you obſerve her take any thing?—No.

What happened afterwards?——When ſhe went to the door I ſaw the handerchiefs drop from her; I am ſure of it; they dropped from before her, near ſome boxes; ſhe appeared to want to drop them from under her cloak upon the boxes, but they dropped upon the floor.

Who picked them up?—I really do not know.

Henneſey. The deceaſed Mr. Bourman picked up the handkerchiefs; the handkerchiefs that were given to the conſtable are the ſame that were picked up.

JOHN HOUGHTON *ſworn.*

I produce the handkerchiefs; they were given

given to me by Mr. Bourman that is dead, on the 8th of July.

What might be the value of them?—— They were valued at 8s.

PRISONER's DEFENCE.

I went into the ſhop to buy a cotton handkerchief; I bid them twenty-pence; he called me in again; I was not out of the door, and then he took the handkerchiefs up, and aſked if I had dropped them; I never ſaw them before.

GUILTY

Of ſtealing, but not privately.

To be privately whipped, and confined to hard labour for twelve months.

Tried by the firſt London Jury before Mr. RECORDER.

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765. JOHN MILLS was indicted for feloniouſly ſtealing, on the 23d day of July laſt, one handkerchief, value 3s. the property of Thomas Jameſon.

THOMAS JAMESON *ſworn.*

On the 23d of July, at paſt eight o'clock, coming up Snow-hill, I loſt my handkerchief; I felt my handkerchief drop from the priſoner's hand, I immediately took him to the watch-houſe.

(The handkerchief produced and depoſed to.)

PRISONER's DEFENCE.

I have nothing to ſay, only that I picked up the handkerchief upon Snow-hill; I was ſent from the watch-houſe to the compter.

—— MILLS *ſworn.*

I go out a charing; he worked at Moor's carpet-warehouſe for ſome years.

GUILTY.

To be twice whipped, and impriſoned one month in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

766. JOSEPH JACKSON was indicted for feloniouſly ſtealing, on the 6th day of July laſt, one linen handkerchief, value 2s. the property of John Barber.

JOHN BARBER *ſworn.*

When did you loſe your handkerchief?——On the 6th of July, between ten and eleven o'clock, in Newgate-ſtreet; I did not ſee him take it, but ſaw it lay under a ſhop-window; Mr. Jenour picked it up, and aſked me if it was not mine, I told him it was; it is marked B; I miſſed it that moment before.

Priſoner. Aſk him if I was not before the proſecutor when he miſſed his handkerchief?

How far was the priſoner from you?—About ten yards.

JOHN CHINNER *ſworn.*

I picked up the handkerchief; I ſaw the priſoner follow the gentleman at the top of Saint Martin's-le-grand; I ſaw him make two ſnatches at his pocket; I cried, Aye! and ſaw him throw down the handkerchief; I picked it up, and gave it to the gentleman, and told him that was the man that picked his pocket.

RICHARD MARTIN *ſworn.*

I was in Newgate-ſtreet, juſt croſſing the way, and ſtepping up upon the kirb, I ſaw a handkerchief drop; I ſaw a man behind ſtoop, and pick it up; as I was going along the laſt witneſs came up to me and ſaid, the priſoner had picked the gentleman's pocket; I did not ſee him pick the gentleman's pocket; I have had the handkerchief ever ſince.

(The handkerchief depoſed to.)

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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767. FRANCIS SAUNDERS was indicted for feloniouſly ſtealing, on the 17th day of Auguſt laſt, one white cotton counterpane, value 10s. the property of John Hill.

JOHN HILL *ſworn.*

The priſoner came to lodge at the Four Swans, nobody ſlept in the ſame room; I am chamberlain; when he went away I went in, and miſſed a counterpane; I overtook him, and brought him back, with the counterpane round his waiſt; he begged for mercy.

Priſoner. I have nothing to ſay.

Court. What are you?——I am a ſurgeon.

Where have you lived, and how have you been employed? —I have followed the ſea.

How long have you been at home?—— Five months.

Out of employ during that time?—Yes; I am a German; I have been all the war in the Engliſh ſervice; ſeven years.

Have you any friends in your own country?—Yes.

Where were you ſerving on board, what ſhip? — A ſurgeon on board the Mercury, and ſurgeon in Gibraltar.

Where is ſhe now?——At Briſtol.

Can you get any account from her officers? — Yes; if I ſend down to them General Boyd will give me a character.

GUILTY.

Tranſported for ſeven years, with leave to tranſport himſelf.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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768. ELIZABETH ROSSON was indicted for feloniouſly ſtealing, on the 25th day of Auguſt laſt, two cotton gowns, value 10s. one linen bedgown, value 3s. a diaper tablecloth, value 2s. a linen ſleeve, value 6d. a cheque linen apron, value 3d. the property of Joſeph Sanders.

ELEANOR SANDERS *ſworn.*

I live in Gutter-lane, Cheapſide; I loſt the things mentioned in the indictment out of my room three weeks ago; I found them on the priſoner; I found her in my houſe, and ran after her; I took her in Goldſmiths-hall; one apron I found upon her, and the reſt ſhe threw into the gentleman's neceſſary.

PRISONER's DEFENCE.

I was going to Whitechapel, the woman's daughter overtook me in Cheapſide; the proſecutor and me laid in together in Brownlow-ſtreet Hoſpital, and we had ſome gin, and the daughter ſaid, do take theſe things to your lodgings, and I will call on you for them; ſhe ſaid, do not let my mother ſee them, for ſhe has uſed me very ill; accordingly I took them, and met the mother, and ſhe ſaw one of the gowns hang under my cloak; ſhe cried ſtop thief, and I ran into the neceſſary, and ſhe followed me.

NOT GUILTY.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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769. WILLIAM RICHARDSON was indicted for feloniouſly ſtealing, on the 28th of Auguſt laſt, one pair of man's leather ſhoes, value 3s. the property of Matthew Muggeridge.

MATTHEW MUGGERIDE *ſworn.*

I heard a foot in the ſhop; after dinner I ſaid, here is a perſon in the ſhop is gone out; he was turning into Red-lion-court; he had a pair of ſhoes; I ſaid, I ſhall make an example of you; it was a pair of ſhoes that one of my ſhopmen brought in not ten minutes before; the conſtable has them.

——NAPLETON *ſworn.*

I took charge of the priſoner and the ſhoes from the proſecutor.

(The ſhoes depoſed to.)

PRISONER's DEFENCE.

Coming down Fleet-ſtreet, I had been at Mr. Ennerley's with ſome ſtocks, I found the ſhoes; there was a man running before.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

770. ALEX-

770. ALEXANDER BELL was indicted for feloniouſly ſtealing, on the 9th day of September, one pewter pint pot, value 10d. the property of Joſeph Williams.

JOSEPH WILLIAMS *ſworn.*

I keep a public houſe in Biſhopſgate-ſtreet, I loſt a pint pewter pot, on Friday, September the 9th, about half paſt eight in the evening; I was informed where the man was that took it, by my maid, I went and charged the priſoner, and found it in his pocket, it was marked No. 30. the conſtable had it directly.

FRANCIS PHIPPS *ſworn.*

I had this pot of Mr. Williams, I ſwear to the pot, I marked No. 30, with my own engraving, my name is at the front of it, the ſign, the ſtreet where I live.

MARY JENNINGS *ſworn.*

On Friday laſt I had juſt put the pot out of my hand, on the bar door, a man came to the bar, and went backward into the yard, and when he came from out of the yard, he took the pot from the bar door, I was in the back room, and I told my maſter of it directly.

PRISONER's DEFENCE.

I went in and bought a quartern of gin, I went into the yard, I know the maid, ſhe lived at a ſhop I work for, it ſtood on the bar with ſome water, I was playing with the maid, I had it not in my pocket I had it by the ſide of my coat.

Proſecutor. He ſtrictly denied having the pot.

The priſoner called three witneſſes who gave him a good character.

GUILTY, 10d.

Whipped.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

771. CHARLES CLARK was indicted for feloniouſly ſtealing, on the 22d of July laſt, one hand ſaw with a wooden handle, value 12d. one iron ſpade, value 2s. one iron bill with a wooden handle, 12d. the property of William Laythorpe.

WILLIAM LAYTHORPE *ſworn.*

I am a labouring man, on the 22d of July laſt, I loſt a ſpade, a bill, and a ſaw from Holloway; I left them in the barn, I had been at work in the morning part, and I went out to breakfaſt, when I came back they were gone, I found part of them in the fields, I found the ſaw on a woman in the fields; ſhe ſaid he gave it her, the next morning I found the others by his own confeſſion where he ſold them; I know the priſoner; he had worked upon the land for my maſter, in hay-time two days.

THOMAS ISSAC *ſworn.*

I found the bill and ſpade, at Mr. Bradford's, on Saffron-hill, on the very day after the robbery.

REBECCA GAIN *ſworn.*

The priſoner at the bar met me one day in the fields, he gave me a ſaw, he told me he had no money, he gave it me to have connections with me, it was on a Friday a good while ago, it was the day I gave it again to Laythorp, I know the ſaw, there is a W. C. upon it.

——— BROWN *ſworn.*

This ſaw I picked up in the road after the proſecutor dropt it, in running after the priſoner, I ſaw the proſecutor drop it, it is the ſaw of one William Cooling, he was a lawyer, he died and left it to me; I have had it theſe five years, I knew it had that mark, I told her it had that mark before ſhe gave it me.

ROBERT OLDERSHAW *ſworn.*

I apprehended the priſoner with my brother officer.

MARTHA BRADFORD *ſworn.*

I remember a ſpade and a bill being brought

brought to me by that young man, I cannot recollect the day, nor the day of the month either, the day they were claimed on the day after; I cannot ſwear to them again, I believe theſe are them, he told me, he had been at work at Hampſtead or at Highgate, and he had got a place at a ſtable-yard at London, and that they were of no uſe to him, therefore he muſt ſell them.

What did you give him for them?——Eighteen-pence, one ſhilling for the ſhovel and ſixpence for the bill.

What would you ſell them for now?—I aſk fifteen-pence for the ſhovel, and would have taken fourteen-pence, as for the bill, I did not know the value of it, ſo I told him.

PRISONER's DEFENCE.

As I was walking in the fields the day the things were found, I ſaw a man and woman go into the barn, and bring out the things and hide them in a ditch, and I ſaw this woman, and I gave her the ſaw, there was a man, and I did not ſtop to have any connection with her, and I went and ſold the things.

Olderſhaw. My Lord, after I took the priſoner, he ſaid, he would go quiet if I would let him go, and when he had got as far as this place, he took out a knife, and ſwore we ſhould not have him, he cut at me in my face, and cut my brother officer under the ham, Mr. Laythorpe he cut his throat quite to his windpipe, and cut underneath his ham two inches and half, which Dr. Hale ſewed up.

Court to Priſoner. As this is the laſt time I ſhall probably ſee you, I recommend it to you to conſider of your fate, it certainly will be mentioned to his Majeſty, the very great cruelty you have ſhewn, and probably the place of your deſtination where you will be tranſported to will be worſe than that of common felons.

GUILTY.

Tranſported to Africa for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

772. JANE CREEKE was indicted for feloniouſly ſtealing on the 1ſt day of Auguſt laſt, thirty-five pounds weight of feathers, value 12s. two pair of flat irons, value 6s. and one coffee pot, value 2s. the property of Sir John Warley Gardner, Baronet.

ELIZABETH HARVEY *ſworn.*

I keep the proſecutor's houſe; in the beginning of Auguſt laſt we loſt the things mentioned in the indictment, the feathers were in a bed, the bed was cut open, and the feathers carried away; the priſoner was a chair-woman, I ſaid we will go and mangle the chair covers; ſhe fetched a deep ſigh, and ſaid ſhe had a terrible pain in her head, ſhe went out and did not return; then I miſſed the irons and tea-kettle, and I went to tell her blankets, and the blankets were all over feathers; I turned them up, and I ſaw the bed was cut open, and a great quantity taken out; ſhe had ſerved two more ſo beſides that ſhe ſlept in; nobody was in the houſe but us two; we took her the next night in Eagle-court, Swallow-ſtreet; I ſaid to the conſtable, that is your priſoner; ſays ſhe for what, I have carried home your property, two mangled cloths, and two flat irons, and flung them over the area; when we came home they were flung over the area; then the conſtable and me went to look at the feather-beds, to ſee how they were cut, and I left her with this good man the witneſs; and ſhe made a confeſſion to him; we took her to the cage, and ſhe took us to the man's houſe where ſhe had carried the feathers; the man's name was John Crooke, in Carnaby-ſtreet; I know the irons and the coffee-mill, the flat irons were worth about half a crown a pair.

JOHN CROOKE *ſworn.*

I know nothing of the feathers nor the priſoner, ſhe came to offer them for ſale through poverty and diſtreſs.

When did you buy them?——I do not know the day, I bought 35lb.

What did you give for them?——Four pence

pence a pound; I had known her for about the ſpace of half a year before that time.

Did you ever buy any feathers before?——No, not of the priſoner, nor in any reſpect but in whole beds.

Was not you ſurpriſed?——Not conſidering her diſtreſs, ſhe ſaid they were her own feathers, and told me where ſhe lived, in Heydon court, we catechiſed her how ſhe came by them; I remember the witneſs Harvey came to our houſe, and aſked me if the priſoner had ſold any feathers, I ſaid yes, I never attempted to hide anything, it is well known I dare ſay to the proſecutor, and all that has any buſineſs with me, that I have not attempted to hide any one thing, becauſe I never buy anything, knowing it to be ſtolen.

Priſoner. They were my own feathers, I ſold to him laſt ſummer.

Court to Crooke. What does your family conſiſt of?—A wife and one child, and my houſe conſiſts of creditable lodgers, and I believe my lodgers and neighbourhood in general will give me an excellent character.

Court. Upon my word it has a very bad appearance?——Undoubtedly it may have an indifferent look upon me, but I hope it will be rightly conſidered that it was not meant—.

Court. It can only be rightly conſidered if it is conſidered by you, and that the event of that conſideration ſhould be that you never will traffic in this way again: I deſire Mr. Clerk of the Arraigns, that you will take down this man's name, and if ever he appears here again, that it may be mentioned, that he has been twice examined here in one day, as a receiver of ſtolen goods, and you know the puniſhment of that, to be tranſported for fourteen years.

Crooke. I am much obliged to your Lordſhip, I will readily reſign the buſineſs, for I find I cannot carry it on without being deceived by crafty people.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

773. WILLIAM FOX was indicted for feloniouſly ſtealing on the 8th day of July, 60 yards of callimanco, value 57s. and 30 yards of ſhalloon, value 31s. the property of Moſes Hearne.

(The witneſſes examined apart at the requeſt of the priſoner.)

JOHN HAWES *ſworn.*

What are you?——I am a waggoner of the Cheſhunt waggon, it was robbed the 8th of July, I was going to Cheſhunt from town, going along the priſoner brought a box on his ſhoulder, and he aſked me to take him as a paſſenger, I took him up and the box; he wanted to go to Acton; we went to the waggon and horſes, Shepherd's Buſh, there I ſtopped to take out ſome goods, then he ſaid he would walk on, and he walked on to Acton, there he got down, and I took the box down, and I found the box as heavy again as it was, and I ſearched about in my waggon, and found a truſs cut open, and part of it gone, I took the box into my hand, and tried to ſtop the man, but he ran out of the back door and left the box behind; he got over ſome high pales into the next yard, and out of that yard he came into the road again, croſſed the road down the George yard; I ran after him, and took him in about ten minutes.

What time of the day?—About five, nobody elſe was in the waggon but the priſoner and myſelf.

Was the box tied or corded?—No, we broke open the box and found theſe three parcels in the indictment.

Priſoner. Did you miſs anything at that public houſe?——No, nothing.

Had you obſerved this truſs particularly before you took me into the waggon?—No, I had not.

CHRISTOPHER CROXFORD *ſworn.*

On the 8th of June I was at the George, oppoſite my houſe at Acton, and I went to get me a glaſs of gin and water, and I ſaw the priſoner go into the Orange Tree, next

to my houſe, and in five minutes I ſaw him come down my yard, I knew he muſt have got over ſome pales; he was looking earneſtly towards the waggon, and ſuddenly he ran over to the George, and I ſaw the waggoner looking one way and another, and I aſked him if he looked for the priſoner, he ſaid yes, he had robbed his waggon, and I ran after him and took him.

HENRY STEPHENSON *ſworn.*

I took the priſoner in cuſtody, and I broke open the cheſt, and found this piece of goods in the cheſt.

JOHN PRICE *ſworn.*

I ſaw the priſoner run down the George yard at Acton, I ſaw Mr. Croxford take him in the trap-ball place, and near upon the place I found a key belonging to the cheſt, and I took it immediately over to Mr. Croxford's, and it unlocked the box very well, I marked the key.

LEONARD MEDCALF *ſworn.*

I had eleven pieces to ſend down by Hawes's waggon, the 8th of July, for Cheſhunt, directed to Adam Simpſon of Cheſhunt, they were packed in coarſe cloth; this is the package, it is cut, but it was not cut when I packed it; I put it in the warehouſe, and delivered it to the book-keeper in the warehouſe; it is directed to Mr. A. Simpſon, Cheſhunt.

Court to Medcalf. Look at the callimanco, and tell the Jury whether that is what you packed up?—I believe this to be our goods, they have our mark upon them, there ought to be five pieces in all; *(The package opened.)* it contains one half yard of mourning crape, and one piece of bombazeen, which makes the quantity.

PRISONER's DEFENCE.

I was informed the Princeſs Amelia wanted a ſecond coachman, at Kenington Gravel-pits a gentleman aſked me to take this box and put it in the waggon, I rode to this public houſe, and I walked to Acton, at Acton he gave me the box out, the gentleman was not there, I did not know what to do with the box, I took it from him, and ſet it down on the bench, and was going away.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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774. JOHN BEESTON was indicted for feloniouſly ſtealing on the 31ſt day of July laſt, one ſilk handkerchief, value 2s. the property of Samuel Elliott.

SAMUEL ELLIOTT *ſworn.*

On the 31ſt of July laſt, between nine and ten at night, a few doors off my houſe a gentleman told me my pocket was picked of a ſilk handkerchief, I found it was gone, the priſoner was cloſe to me, I turned about and charged him with it, he denied having my kind of knowledge of it whatever, I told him I ſhould take him to the watch-houſe immediately, and on endeavouring to ſecure him, I ſaw him put his hands behind him, and throw it into a gentleman's area; I then took him to the watch-houſe, and gave him in charge; I did not ſtop to take up the handkerchief; as ſoon as I had ſecured him I returned for my handkerchief, and the ſervant immediately brought it up to me from the area, and gave it me in the preſence of the gentleman who informed me I had been robbed; that handkerchief was mine, I am ſure it was the handkerchief I had in my pocket, I am quite ſure I ſaw him throw it down.

THOMAS BORES *ſworn.*

On Sunday the 31ſt of July, between nine and ten at night, being in the ſtreet where the proſecutor lives, I obſerved a man take the handkerchief out of his pocket, and drop it, the priſoner took it up, and put it in his right hand coat pocket.

Court. How near was the priſoner to the

the other perſon?——He was behind the other perſon.

Was the priſoner ſo ſituated that he could ſee the other take it out of his pocket?——I ſhould ſuppoſe ſo, he was but a very little behind; I ſaw the priſoner when he picked it up, not before.

Court to Elliot. When you laid hold of the priſoner, and charged him with the handkerchief, did he deny having the handkerchief?—Poſitively, ſeveral times.

PRISONER's DEFENCE.

I picked up the handkerchief walking along.

The priſoner called one witneſs who gave him a very good character.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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774. THOMAS FROST was indicted for that he on the 3d day of July, about two in the night, into a certain garden ground of, and belonging to one John Renton, unlawfully did enter, and fifty young plants, called orange trees, value 6s. twenty ſtock flower roots, value 3s. three balm of gilead roots, value 6d. from out of the ſame, without the conſent of the ſaid John, then and there, unlawfully, willfully, and feloniouſly did pluck up, dig up, take and carry away, againſt the ſtatute.

JOHN RENTON *ſworn.*

I live at Hoxton, I am a gardener, on the 3d of July, I was called up in the morning at half paſt two by John Farrance, I went down, and he told me to look in the garden to ſee if I was robbed, and I went down the garden, and found great part of my double ſtocks were pulled up by the roots, and I found two or three double roots, and two ſingle ones pulled up and dropped; I brought them out in my hands, and I was told to go to the watch-houſe, and there I found the ſtocks in the priſoner's apron, and I took him to Clerkenwell, and his apron was ſearched, and there we found the orange roots, we left the ap on at the watch-houſe; when we went to Clerkenwell, the priſoner ſaid he found them, when we came back we found ſome orange trees, and ſome balm of gilead roots; I compared the piece of root that was left in the pan, with that that was at the watch-houſe, and it agreed; I judged the plants were mine, becauſe I had loſt the ſame number, and the ſame ſized plants.

JOHN FARRANCE *ſworn.*

On the 3d of July at two, I went with the watchman part of his rounds, and going up Haberdaſher's-walk, at half paſt two, I told the watchman to take charge of that young man, becauſe he had a bundle in his hand which I thought he had ſtolen, ſo he ſprung his rattle, the priſoner ſet off upon a run as faſt as he could; I knew him, I have worked with him; I ſent the old man after him, and I went to the watch-houſe to tell the conſtable of the night; the watchman ſaw no more of him at that time, and I ſtood in the road and ſaw him jump into a garden, and juſt before his own houſe I took hold of him by the collar, with the bundle in his hand.

What is he?——He is a gardner.

Who was preſent when you took him?—Nobody, he then ſaid for God's ſake John let me alone, I have only been into the country for a few flowers, and I told him he ſhould go to the watch-houſe; when I brought him out of the paſſage, I ſaw the conſtable, and one of the watchmen, and I took him into the watch-houſe by myſelf, and the bundle too; then I enquired amongſt ſome gardners, and found out the proſecutor; we did not examine the bundle till after we came to Clerkenwell.

Who was left at the watch-houſe with the bundle?—The watchman who is not here; the priſoner ſaid before the Juſtice that he found them, that he ſaw two men drop them, and he run and picked them up, he

he then called to me, and aſked me if I would not give him his apron again, ſo if he had found them, he found them in his own apron, by his own account; I gave him the apron, the eleven bunches of flowers were tied up with green oats, twiſted round and round.

Court. Is there any oats near Renton's garden?—Within twenty yards, at the head of the garden.

PRISONER's DEFENCE.

I had been down to work, and coming home on Saturday night, I ſaw two men in the Brick-fields, ſtanding at the gate, and when I came up to the gate, I ſaw them run away, then I ſaw theſe flowers lay, I took them up in my apron.

Court. What ſort of a night was this?—It was quite broad day light when I firſt ſaw him, it was half after two.

Was it a clear morning?—Yes.

The priſoner called two witneſſes who gave him a very good character.

GUILTY.

Whipped, and impriſoned one month in Newgate.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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776. HARRIET MILLER was indicted for feloniouſly ſtealing, on the 10th day of May, one linen apron, value 2s. 6d. one table cloth, value 3s. one pair of cotton ſtockings, value 2s. and two ſilver tea-ſpoons, value 6s. the property of Joſeph Colleſs.

HESTER COLLESS *ſworn.*

I know the priſoner, ſhe was a ſervant of mine, ſhe lived with me between four and five months.

What is your huſband's name?—Joſeph, during the time of her living with me, I loſt a great number of things, and I diſcharged one or two ſervants innocently, ſhe left me without any ſuſpicion of her being the thief, ſhe was afterwards detected by a young woman, whom I had turned away on account of the things that the priſoner took.

MARY MORPETH *ſworn.*

I was diſcharged from Mr. Colleſs's ſervice, on ſuſpicion of having the things which the priſoner ſtands indicted for; after leaving Mrs. Colleſs's, I applied for work in Picadilly, ſhe ſent for my character, and Mrs. Colleſs not willing to deprive me of bread, though ſhe did not chuſe to keep a ſuſpicious perſon, ſaid ſhe diſcharged me becauſe the work was over, but told me to prepare for a feaſt, ſhe always gives her people; knowing I had no time to get my things in readineſs myſelf, I employed the priſoner to aſſiſt me two days, the feaſt was poſtponed, and I had no further occaſion for the priſoner, and ſhe left me; on Thurſday morning, when the family where I lodged were aſſembled to breakfaſt, of which I was conſidered as one, they having a knowledge of me for many years, a tea-ſpoon was miſſing, upon which the lady inſiſted upon its being found before any breakfaſt went on, we all got up for ſearch, but none could be found; I was rather in fear, knowing the things that had been loſt, I ſuſpected the priſoner, the priſoner called on the Thurſday evening accidentally with her ſiſter to aſk me how I did, I aſked her where ſhe was going, ſhe ſaid with her ſiſter, to her mother's; I told her to call upon me as ſhe came back, ſhe promiſed ſhe would, but never came; on Friday the 29th, ſhe not coming, about four in the afternoon I went to her where ſhe lodged, I told her I ſuppoſed ſhe knew what I was come on, ſhe ſaid no, ſhe really could not tell, I ſaid ſhe muſt certainly know herſelf to have been guilty of an offence, or ſhe would not be in ſuch confuſion; I taxed her with the ſpoon, which ſhe denied, I told her it was a cruel thing, not only to deny the ſpoon, but putting me in danger of loſing my character, as there was nobody but us two, and I muſt be conſcious of my own innocence; I left her, ſhe would not

not confeſs, but promiſed to come on Saturday, but did not, I went and fetched her, ſhe would not confeſs then, and promiſed to come on Monday to go before the juſtice, but ſhe would not; I was buſy till the Thurſday, I went and told her I was come again, but with no intreaties, for I would take her before a juſtice, ſhe told me if I would forgive her, ſhe would fetch the ſpoon, ſhe ſaid it was not at a pawnbroker's, I ſaid I will go and ſee where it is, ſhe aſked me to let her fetch her father, I ſaid ſhe ſhould not go without me; when ſhe found I was reſolute, ſhe put on her bonnet, and went with me to Mr. Payne's, pawnbroker, in Wardour-ſtreet, and ſhe demanded a ſpoon which ſhe had pawned for one ſhilling and ſixpence, on the Wedneſday night after ſhe left me; I then aſked her if there was anything elſe there, ſhe ſaid no, it was the firſt time ſhe had ever ſtolen any thing, I ſaid it was a falſhood, ſhe had ſaid at the pawnbroker's her name was Elizabeth Miller, upon which I aſked her how ſhe could ſay ſo, as her name was Harriet; the priſoner came back with me to my landlady, we then went to Miſs Monro; Miſs Monro, the priſoner, and me, went to the pawnbroker's, to ſee what elſe we could find; we went the next morning at eight o'clock, and the pawnbroker promiſed to find what he could, and the pawnbroker then had found one ſpoon only, which was Mr. Colleſs's; we then went to the watch-houſe to the girl, where we had left her the night before, and then ſhe confeſſed to ſome more things at the pawnbroker's; the pawnbroker afterwards brought down to the Juſtice, the things that are in Court; Mrs. Colleſs ſaw the things the ſame day at the Juſtice's, and claimed them as hers.

JOHN LIGHTFOOT *ſworn.*

I am ſervant to Mr. Payne of Wardour-ſtreet, I have table cloth, two tea-ſpoons, a white apron, and a pair of ſtockings, the priſoner pledged them all, I am ſure of it, at three different times, ſhe pledged them in the name of Elizabeth Miller.

(The things depoſed to.)

Proſecutrix. I believe the ſtockings to be my apprentices, the other things are marked with my own name. I beg to ſpeak a word or two, if it deviates from proper rules of the Court I ſtand corrected; when I went to the pawnbroker's, I aſked him if he had any ſhirts, or other things.

Was the priſoner there?—No, ſhe was at the watch-houſe.

Then you cannot mention it now?—— I am ſorry for it my Lord, becauſe I think it would let your Lordſhip into the knowledge of ſome very bad practices of the pawnbrokers.

Court. We will enquire into it after the verdict.

PRISONER's DEFENCE.

I have nothing to ſay.

EDWARD BAYTHORN *ſworn.*

I am a tin plate worker, I live in Tottenham-court-road, have known her from her infancy, and her father and mother, I fancy ſhe is between fifteen and ſixteen.

ELIZABETH ——— *ſworn.*

I live in Portland-ſtreet, St. James's, her parents lodged with me going on five years, very honeſt and induſtrious people, and the girl too, I never heard any harm before, I believe ſhe is between fifteen and ſixteen.

GUILTY.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Court. Now, Mrs. Colleſs, you may ſtand up, and with great propriety mention what you was going to mention before?—From a girl of that innocent appearance and age, I aſked the pawnbroker's man how he poſſibly could, as to my knowledge he did, receive things from her with different marks, and at different times, without aſking her how ſhe came by them; he ſaid I was a very impertinent woman, I ſaid, I hoped not, but I ſaid I knew he had more in his poſſeſſion, though he baſely denied it from a ſuppoſition that the girl would deny

it alſo; he ſaid I was impertinent to come and teach him his buſineſs, why did I not get a ſearch warrant; the conſtable was preſent. I told him upon his peril to ſtir out of that ſhop, till I got a ſearch warrant, he ſent a little boy, who upon my honour, was not gone out of the ſhop half moment, I ſaid, Sir, I will not believe that child, it is your place to ſearch; he again abuſed me, and inſiſted he would not, I told him I would make him, he dared me to do it; I went home and was ill, I went to the girl and told her the conſequence, ſhe ſaid, ſhe had not pledged anything at this man's ſhop, I went back again, he ſaid he would be upon his ſacrament he had nothing more. he utterly denied, and ſwore upon his oath he had not; I was more irritated with the pawnbroker than the girl, and three nights ago, I went to the houſe of the pawnbroker, I cannot ſay I was in temper, I then ſaid to him, Mr. Payne, I had not the happineſs of ſeeing you before, I acquit you of ill behaviour, provided you as an honeſt man, and a man of feeling, and a fair man, will give up the ſhirts, you have in your poſſeſſion four ſhirts; the man immediately looked at his maſter, and ſaid, we have no ſhirts; Payne himſelf behaved very ill, he likewiſe refuſed one of my ſpoons, and ſwore he had but one, and in opening a pair of ſtockings another ſpoon was found.

Court. You have done very right in expoſing to the public the conduct of this pawnbroker, it may therefore be worth conſidering how far Mr. Payne may yet be the ſubject of proſecution himſelf, his man who has been examined cannot, but Mr. Payne may.

Lightfoot. My Lord ——

Court. Sir, your own conduct is ſufficient, this is not the firſt time in which your conduct has appeared to the Court in an improper light: if you had not been admitted to give evidence, I ſhould have directed a proſecution againſt you: the Court will keep an eye both upon you and Mr. Payne, I aſſure you.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

777. JOHN THOMPSON was indicted for feloniouſly ſtealing, on the 22d day of Auguſt laſt, one pair of ſtuff ſhoes, value 2s. and one pair of ſilver buckles, value 8s. the property of Joſeph Blakeley.

(The witneſſes examined apart at the requeſt of the priſoner.)

CHARITY BLAKELEY *ſworn.*

I live at No. 8, Little Ayliffe-ſtreet, Goodman's-fields; I am wife of Joſeph Blakeley; I loſt a pair of ſtuff-ſhoes, and a pair of ſilver ſhoe-buckles; they were worth ten ſhillings; I loſt them the ſecond of Auguſt, about one in the day, from the yard; I ſaw the priſoner John Thompſon going out of the yard, and I miſſed my things in fifteen minutes after; he had been at our houſe once before that day; the firſt time he came he aſked me for ſome perſon which he called a Doctor; that was about fifteen minutes before the ſecond time he came; I did not know any ſuch Doctor; I thought it very odd his coming the ſecond time; I looked in my parlour, and I miſſed my ſhoes and buckles from a dining table, facing the door; I ran out, and ſaw the priſoner half-way along the ſtreet; he was on the foot-path; I cried ſtop thief; he turned his head round his ſhoulders, and ſet off running as faſt as he could.

When you firſt ſaw him on the foot-path was he walking or running?—He was walking very faſt, but not running; in conſequence of my crying ſtop thief he was taken; he was out of my ſight before he was taken; I ſaw him again in ten minutes in cuſtody of Mr. Chambers; the ſhoes and buckles were found behind ſome ſugar caſks; when he firſt came to enquire for the Doctor he had a handkerchief tied down one ſide of his face, and one of his ſhoes down at heel; and when I ſaw him in cuſtody of Mr. Chambers he was in the ſame dreſs then; I took notice of him the firſt time becauſe he came to aſk for a Doctor.

JOHN CHAMBERS *ſworn.*

I took a man with a handkerchief round his

his face, on the 22d of Auguſt, about one, in Rupert ſtreet; I was at dinner, and I heard the cry of ſtop thief! and I run down ſtairs, and I ſaw a man run along the ſtreet, which gave me a ſuſpicion that he was the thief, I purſued him about four or five hundred yards, there were many people running.

Who run foremoſt?——I cannot ſay.

Was there anybody running before the priſoner?——I cannot ſay, but I believe there was, I believe he had a great coat on.

Did you obſerve anything about the priſoner's ſhoes or either of them?—He had one ſhoe down at heel, I believe.

Did you ſee that?—Yes, I ſaw a pair of ſhoes and buckles brought to the woman by a boy, they were brought while I was purſuing the priſoner.

JOHN WELSH *ſworn.*

I ſaw the priſoner, but I cannot tell how long ago, nor what day it was, I know Charity Blakeley, I heard the cry of ſtop thief! and I ſaw the priſoner running, and he hid a pair of ſhoes and buckles behind ſome ſugar hogſheads, and I found them there, there were two men cloſe at his heels, and I ſaw him throw them down, and I picked them up, and gave them to the proſecutor; the priſoner had a handkerchief about his head.

PRISONER's DEFENCE.

I have witneſſes to my character, and a witneſs that the lad ſaid, I was not the perſon, when he firſt ſaw me.

The priſoner called two more witneſſes to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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778. JAMES LAWRENCE and THOMAS BROOME were indicted for feloniouſly ſtealing, on the 16th day of July laſt, four live geeſe, price 10s. the property of Charles Lufkins; and one live gooſe, price 2s. the property of John Weſton.

CHARLES LUFKINS *ſworn.*

On the 16th of July laſt, about five, I was informed my maſter's ſtable door was open, I went and I miſſed four geeſe of mine, and one of Mr. Weſton's a neighbour; on the Monday following I heard there were two men ſtopped at Iſlington, with ſome geeſe; I loſt them on Saturday there were three grey ones, and two white ones, and one of the grey ones had a white wing, I have had ſome of them near a twelvemonth, two were young ones, I heard of them at Mr. Lack's, the conſtable at Iſlington, he ſhewed me the geeſe, and I was ſure they were mine.

JOHN BOWES *ſworn.*

On Saturday morning the 16th of July I ſaw the two priſoners at the bar, coming down what they call the back road Iſlington, with two ſacks on their backs; by their appearance I thought they looked diſorderly, I ſtopped and they paſſed by me, I looked after them, and there was a foot of ſomething hanging out of one of their ſacks, ſo I looked after them, and this Broome had ſomething rolling in his ſack I ſtopped them and they put down their ſacks, I opened one, there were three geeſe in it, I did not open the other's ſack then, ſo I took them to Mr. Weſt of Iſlington, a cow-keeper, they ſaid they would go with me where I liked, they ſaid they bought the geeſe in Holloway, of a waggoner, who was going into the country, ſo I had them committed; in the other ſack there were two geeſe, and two pieces of iron, a kind of a crow.

Did you obſerve the colour of theſe?—I did not take particular notice, Lufkin came, the Tueſday following, and claimed the geeſe, and ſwore to them before Juſtice Blackborough.

At what time was it on Saturday that you ſaw this?—At five in the morning.

How

How far from Weſton's houſe was this?—About a quarter of a mile where I took them, almoſt oppoſite Sadler's Wells, the geeſe were alive.

PRISONER BROOM's DEFENCE.

I went to Highgate to ſee a ſiſter of mine, that lived at the Red Lion, ſhe was gone away, and had been gone two months; I got a lodging in the town, and this young man was there, and he ſaid he was coming to London in the morning; we both got up in the morning, at about a mile out of Highgate, we met a farming man with geeſe, and I bought three, and this young man bought two, and he gave us a bag each of us, to put them in.

PRISONER LAWRENCE's DEFENCE.

I can only ſay the ſame.

BOTH GUILTY.

Each tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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795. THOMAS HARRISON was indicted for feloniouſly ſtealing, on the 3d day of Auguſt laſt, one pair of baſe metal candleſticks, value 3s. the property of John Thompſon.

JOHN THOMPSON *ſworn.*

On the 4th of Auguſt laſt, I had a ſale of goods at No. 6, in Caſtle-ſtreet, Oxford-market, and on the 3d I loſt a pair of candleſticks.

PETER HOPKINS *ſworn.*

I was at Mr. Thompſon's on the 3d of Auguſt, and the priſoner came and aſked for a catalogue, I gave him one, he went up ſtairs and then down into the kitchen again, I thought he had ſomething in his pocket, I deſired my fellow ſervant to look after him, I went into the kitchen, and miſſed three candleſticks that were below; I went after the priſoner, and met him in Oxford-road, I brought him back, and theſe are the candleſticks he took out of his pocket; I only found two, they were in the kitchen before; I took him to my maſter, he aſked my maſter to forgive him, he told him it was the firſt time.

Proſecutor. I believe theſe candleſticks to be mine, I will not ſwear to them, they had this label on them, No. 2, Lt. 7, which agrees with the catalogue.

Priſoner. I went into the houſe, and went down into the kitchen, and the proſecutor followed me, and took me.

The priſoner called five witneſſes who gave him a very good character.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE
PROCEEDINGS
UPON THE
KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

279. JOHN HARRIS was indicted for feloniouſly ſtealing, on the 4th of July, one pair of gold ſleeve buttons, value 26s. one pair of baſe metal ſleeve buttons, gilt with gold, value 13s. the property of Nicholas Middleton.

(The witneſſes examined apart at the requeſt of the priſoner.)

NICHOLAS MIDDLETON *ſworn.*

I loſt one pair of gold ſleeve buttons laſt July, I believe the 4th; the ſhop window was broke in order to get them out; I never ſaw them again, the young woman that attends the ſhop, bid me ſtop the man with the box.

NICHOLAS MIDDLETON, Jun. *ſworn.*

I came from Iſlington that morning, I called at my father's, on the 4th of July, and Sarah Ball, who is an apprentice of my father's, deſired me to go after a man with a box, for he had ſtole ſomething, it was a man with a box, I ſaw him go paſt the ſhop door, which is a glaſs door, and I followed him, and took him within fifty or ſixty yards, and I brought him back immediately, the conſtable ſaid he would be ſearched at Bow-ſtreet, the priſoner was the man that I ſtopped.

SARAH BALL *ſworn.*

I ſaw the priſoner at the bar with a hook in his hand, and a pair of buttons on the hook, he had taken them from the place where I had put them.

You did not ſee him actually take them? ——No, but I ſaw them in his hand, upon the hook, I had put them in that place juſt before, it was a drawer where we put trinkets; this is the hook, and theſe are the buttons that were found, one pair was gone when I came to the window, that was the gold pair, this pair are plated with gold, they are not ſolid gold.

Had you put them both there juſt before? ——Yes.

Was that your hook or his?——It was his hook, he had this hook in his hand when I looked towards him, he dropped the hook in the ſhop window, through a little hole that was cut, and walked away, I immediately called out ſtop that man, he has ſtolen ſomething; there was a bandbox on his head, I never loſt ſight of him till he was ſtopped, theſe are my maſter's buttons, I put them there myſelf.

Priſoner. I with to aſk the gentlewoman what ſhe ſaid to me, when I firſt came into the ſhop?——I told him I believed he had cut the window, and I ſaw this hook in his hand, taking the buttons out, I told him I would ſwear to him.

Court.

Court. What time of day was this?—About ten minutes after nine in the morning.

Was any body else going by at the time?—Not a creature, my Lord, I do not think there was one.

Where is your shop situated?——In the Strand, opposite the New Church.

JOHN STOCKER *sworn.*

I saw the prisoner, standing near ten minutes with this box close to the window, I was standing the opposite side of the way, and I saw his hand rather move, but to tell what he was about I could not.

Was his face to the window, or from the window?—To the window, he stood there about ten minutes, I saw him walk away at a distance, and I saw Mr. Middleton's son come out in a flurry, and run after him and bring him back.

Court to Ball. Where had you been for ten minutes before?——I had been in the parlour at breakfast, and was just come into the shop.

(The buttons deposed to.)

PRISONER's DEFENCE.

I am intirely innocent, there is a man now in the bail dock, one John Askton, that has confessed to every person in the gaol of stealing the buttons, breaking the window, and selling the buttons for half a guinea; I had been at Cranbourn-alley, and I might stop at this gentleman's window three minutes; I came back quietly, I am intirely innocent, as God is my saviour; and the man below in the Bail-dock is the man that certainly committed the robbery.

Court to Sarah Ball. Did the buttons that you have drop with the hook?—Yes, the buttons dropped from the hook, when he dropped the hook.

The prisoner called one witness who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

780. WILLIAM DEADROSS was indicted for feloniously stealing on the 7th day of July last, fifty four linen shirts, value 10l. one pair of silk gloves, value 2s. two pair of satin breeches, value 20s. one pair of sattinet breeches, value 10s. one pair of corderoy breeches, value 4s. two pair of nankeen breeches, value 10s. three waistcoats, value 30s. thirty-six pair of silk stockings, value 3l. the property of John Minster.

JOHN MINSTER *sworn.*

I am at present out of employ, I could not get a place on account of this prosecution; I lost two places before, that I might have engaged with, one was with a gentleman going down to the North of Scotland and I was in service with one gentleman twelve years, the late Mr. Oswald, the 7th of July last, on Thursday morning, about three, I found my chest broke open, which stood in Tyson-street, Bethnal Green, at my cousins, John Shanks, I sent the chest up to him, I omitted to inform him that they were things of consequence, and he put them in a stable under where I slept; I was not alarmed much in the night, I heard once a little knock, and about three in the morning Mrs. Shank went down stairs, and found the chest taken out, and broke open, we went out directly, and the things were lost.

Whereabouts did this chest stand?—It stood in a stable, upon finding it broke, I immediately went to Justice Wilmot's, and gave out hand bills; I did not see any of my property till the Tuesday following, which was the 12th, then I found a shirt, a stock, and sattinett breeches, some from the officers of justice, and some from the pawnbroker's, I know nothing of the prisoner, only that he said the things were his property, he was taken up the next day.

EDWARD FRANCIS *sworn.*

I am a pawnbroker, I live in Shoreditch, one of the witnesses, Hannah Wilkins, brought a shirt, a stock, and cambrick handkerchief to me the day following the robbery,

bery, the 8th of July, I asked her whose property it was; she told me it belonged to another woman that was at the door; I immediately called that woman in, and stopped them both, and sent for Mr. Armstrong, the officer; the shirt had a mark picked out of it, and I knew it was a shirt that could not belong to them.

Court. You did extremely well, I wish all pawnbrokers would do as well.

(The shirt, stock and handkerchief deposed to.)

THOMAS STAFFORD *sworn.*

I am a pawnbroker, a woman left these breeches at our house, she is a customer to us sometimes, her name is Sarah Pearson, she said they were her husband's, I lent her 5s. upon them, and gave her a duplicate; those breeches were pledged before the hand-bills were sent out, in fact, we never received any hand-bill at all, but there was no mark to the breeches.

Prosecutor. I know these breeches by the make, they were made in Scotland, and I know them by the stuff, and by the lining and pockets, there was not enough, and they were made up with another sort; I had a coat made at the taylor's, and he wanted some tape, which I went to town to fetch, and I have a bit here exactly the same.

JOHN ARMSTONG *sworn.*

On the 8th of July Mr. Francis sent for me, I went to the woman's lodgings, and found this stock; I took her to the Justice; the prisoner lives with the daughter, and she confessed them before the magistrate; says the prisoner they are mine, and you may search the room, you will not find a *suskey.*

(The stock deposed to, having a mark in it.)

Prosecutor. These gloves I know, and this is the ribbon I used to tie round Mr. Oswald's night cap.

JAMES SHAKESHAFT *sworn.*

I went with Armstrong, I took this coat and the waistcoat, which I believe I have seen the prisoner wear; he was dressing himself.

Prisoner. The room was not mine, and there was a waistcoat hanging up in the room.

SARAH PEARSON *sworn.*

I pawned these breeches with Mr. Stafford.

For whom?——For the prisoner.

Did he give them you to pawn?——Yes.

Did he say whose they were?——His own.

How came he to employ you?——I cannot say.

How long have you known him?——Above twelve months, I never knew any harm of him.

Have you often pawned things for him before?——Never.

Are they the same breeches?——The pawnbroker knows best.

Prisoner. I never gave her any breeches at all, she knows it very well.

HANNAH WILKINS *sworn.*

I called accidentally at Mrs. Pearson's room, and she asked me to pawn them; I took it into Mr. Francis's, and he stopped me at Mrs. Pearson's desire.

Does the prisoner live at Mrs. Pearson's?——No.

When did she desire you to take them?—I do not know the day.

Pearson. I was taken very ill after I had been with these here; the next morning I was very ill, and this young woman came up, and took them to Mr. Francis's; I should know them.

Did you give them to her to carry?—Yes.

Who did you receive them from?——From the prisoner.

JOHN SHANK *sworn.*

This property was left under my care, and we found the back yard open at three o'clock, and the chest broke open in the yard, it was safely locked up before.

PRI-

PRISONER's DEFENCE.

I never saw Mrs. Pearson for six weeks before I saw her at the Justice's; she said she was flurried when the runners took her up, but it was her husband that gave her the things; Armstrong and Shakeshaft came up into my room; no, it is not my room; and there hung up an old waistcoat, and they took out a stock out of their pocket, and put it into the old waistcoat, or else they said they should get *no bail* upon me.

Shakeshaft. Upon my oath I never had any stock in my possession.

Armstrong. It is not truth, the prisoner lodged with the daughter of this Pearson as a wife, and I know the prosecutor heard him before the Justice acknowledge that this was his property.

The prisoner called one witness to his character.

GUILTY.

To be transported to Africa.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

---

781. FRANCES GOAD was indicted for feloniously stealing, on the 28th day of August, one thread purse, value 1*d.* four guineas, value 4*l.* 4*s.* two half-guineas, value 1*l.* 1*s.* and seven shillings in monies numbered, the property of Adam Clarke.

ADAM CLARKE *sworn.*

I lost some money the 28th of August, in the morning, four guineas, two half-guineas, and seven shillings in silver, out of my pocket; I put my breeches underneath my pillow, and my breeches were taken from underneath my pillow, and the money taken out.

Where was this?——In Bell-court, Kingsland-road.

How came they there?——I went with the prisoner.

Where did you meet with her?——At the Green-dragon in Bishopsgate-street; I was locked out of my lodgings, and I called there to get two penny-worth of gin and water, and this woman sat down with me, and persuaded me to go home with her.

How long did you stay at the Green-dragon?——Half an hour.

How long had you been in bed?——Three hours.

When you awoke was the prisoner there?—She was gone.

How do you know you had it?——Because I felt for it in both my pockets before I laid my breeches under my head; the silver was loose in the right hand pocket, and the gold in a purse in the left; the prisoner saw me put it there, and nobody else; I took the prisoner the same evening at the same house, the Green-dragon; I found none of my money; she had other clothes on, and was very *gay rigged out*; I never got any of my money again; I was not in liquor, but I had been drinking.

What did you drink at the Green-dragon?—Two penny-worth of gin and water?

What a clock was it?——It was about one in the morning; we had been at the bean feast; it was on Saturday night.

Was you sober enough to take upon yourself to say upon your oath that you had this money in your pocket at the time you went to bed?—Yes.

PRISONER's DEFENCE.

I never saw the gentleman till he took me as a prisoner; he took another young woman first.

Prosecutor. I am sure that is the girl.

What are you?——A carpenter.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Baron HEATH.

---

782. JOHN BROWN was indicted for feloniously stealing, on the 23d day of August last, four saws, value 20*s.* the property of George Jeffries.

GEORGE JEFFRIES *sworn.*

I am a carpenter; I have four saws of my own; I lost them on Tuesday the 23d

of Auguſt, out of the houſe where I was at work; I never got them again; I ſaw them there that night when I left work, and in the morning they were gone; there was a board nailed up under the ſtool-board, and that was broke down, by which I ſuppoſe he got in.

DENNIS HERRING *ſworn.*

I ſaw the priſoner come out of the houſe with theſe ſaws in Whitecombe-ſtreet, Leiceſter-ſtreet, at about a quarter after two in the morning; he was coming out underneath the ſhutters; he had nothing with him but theſe two ſaws; there was more in company; one end of the houſe was empty, and the other was inhabited; I was going to ſtop him; I fell over ſome paving ſtones that lay there, and then he threw away the ſaws out of his hand, and run away; I purſued him; I never loſt ſight of him till the next watchman took him; this is the man.

(The ſaws depoſed to.)

PRISONER's DEFENCE.

Before the Juſtice he ſaid he loſt ſight of me in Sidney's Alley.

JAMES LYON *ſworn.*

I am the other watchman; I was in Sidney's Alley, and I heard the cry of ſtop thief, and I ſaw the priſoner and another watchman, and they were both on the ground, and I came up to their aſſiſtance; the priſoner is the man; he ſays, I knocked him down, he fell down, and I fell over him.

THOMAS GOSS *ſworn.*

I was going on ringing the rattles, and the priſoner was running as faſt as he could, and I tried to ſtop him, and he knocked me down, and cut my elbow; we were both down together.

Priſoner. I had no ſaws: I was talking to a woman of the town at the Coach and Horſes, Leiceſter-fields.

GUILTY.

To be tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

783. ISABELLA HALL was indicted for feloniouſly ſtealing, on the 23d day of Auguſt, two ſilver ſpoons, value 20s. one waiſtcoat, value 6d. three table cloths, value 5s. a muſlin apron, value 5s. a pair of ſilk ſtockings, value 15d. the property of Conſtantine Teulings.

CONSTANTINE TEULINGS *ſworn.*

I live at Charing Croſs; I am a goldſmith; the priſoner was my ſervant, I diſcharged her the 20th of Auguſt; ſhe could not clean the houſe before ſhe went away, and ſhe came again to clean the houſe, and ſtaid there that night; the priſoner came for her trunk, and went away about half paſt ten; and about half after twelve one Mr. Norman, the conſtable, brought her in again, and aſked me if I had loſt any thing, I ſaid no; then he pulled out a table ſpoon out of his pocket, and aſked me if I knew that ſpoon, I told him yes; ſays he, I will ſearch the lady; and he did ſo, and found in her pocket a good many duplicates; he took off her bonnet, and in her hair there was another ſpoon of mine concealed, and I was going to Juſtice Walker's, and then the priſoner called me backwards, and ſaid ſhe had pawned ſeveral other things, three table cloths, and other things at Mr. Hall's and Mr. Fripp's, pawnbrokers.

Did you encourage her to tell you this? —No, not at all, they were pawned in different names by the duplicates that I found in her pocket.

How old is this woman?

Priſoner. Thirty-eight.

JOHN NORMAN *ſworn.*

I am a perſon that attends to take the priſoners to gaol; I know the priſoner, I carried her to the proſecutor's by order of the magiſtrate; it was the 23d of Auguſt; ſhe went to offer a ſpoon to pawn at Mr. Duppree's in Holborn, and ſo ſhe was ſtopped with the ſpoon, and brought to me by Sarah Vaughan, and I carried her with the ſpoon to the proſecutor's, and he owned it directly; I ſearched her in the ſhop, and found a parcel of duplicates; and I found another

another ſpoon in her hair, which the proſecutor then owned.

(That ſpoon depoſed to.)

Proſecutor. Here is the fellow of it.

SARAH VAUGHAN *ſworn.*

I live in Holborn; I am ſhopwoman to Mr. Dupree the pawnbroker, the priſoner offered a ſpoon to pledge at our houſe; ſhe ſaid ſhe brought it from a gentleman's houſe in the ſquare, as I underſtood, Bloomſbury-ſquare; I think it was Tueſday, three weeks; ſhe did not aſk any ſum upon it, but ſaid ſhe was to have the moſt ſhe could get, I told her we could not take it in of her, but ſhe muſt ſend her miſtreſs; ſhe ſaid her miſtreſs could not come, I ſaid ſhe muſt come, and you may go and fetch her, and leave the ſpoon here; ſhe left the ſpoon, and returned again without her miſtreſs; ſhe ſaid her miſtreſs could not come; then my maſter bid me go with her to her miſtreſs; when I got the other ſide of the compter to go with her; ſhe varied in her account; ſhe ſaid then that a ſervant where ſhe had lived had given her the ſpoon to make the moſt of; then my maſter ſaid, as ſhe varied in her account I ſhould go with her to Mr. Norman, I went with her, and delivered the ſpoon to Mr. Juſtice Walker; my maſter ſaid Mr. Walker's, which makes me think ſhe did not know it was a juſtice's; I gave Norman, who was there, the ſpoon, and he went in to the juſtice, and I left the ſpoon and the priſoner in the hands of Norman.

Norman. This is the ſpoon I received from Sarah Vaughan.

Priſoner. I would have made every thing good if they would but have given me a very little time, about two hours; I did not intend to ſteal any thing.

GUILTY.

Fined ſixpence, and confined twelve months in the Houſe of Correction.

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784. JOHN LOVEJOY and JOHN GODDARD were indicted for feloniouſly ſtealing, on the 22d day of July laſt, ſeven live ducks, value 7s. the property of John Bedford, Eſquire.

WILLIAM LOCK *ſworn.*

I am footman to the proſecutor; he lives at Acton Green, I lived with him; on the 22d of July laſt my maſter loſt ſeven ducks; I miſſed them on the 22d in the morning; I ſaw them the night before; I took care of them always; they were in and out of the yard, and ſometimes went on the green; the yard was at one end of the houſe; there were four old ones left behind, theſe ſeven were young ones, but fit for uſe; they were not quite full grown; I ſaw them again the next morning, the 23d, about ten, they were carried to London; I ſaw them in Mount-ſtreet in the watch-houſe, they were in poſſeſſion of John Piddington the patrol; on the 22d I went to town to ſwear to the ducks; I knew the ducks by their marks.

What marks have they?——One was marked juſt by the neck, with white marks.

Was it the feathers you deſcribe?—Yes.

Were the marks ſuch as you could venture to ſwear to them again? — Yes, there were three that were ſo marked.

Should you have known them at any part of the kingdom?——Yes.

Should you have known them on the green three or four miles off?——Yes, I ſwore to them, and carried them home; they have been eat ſince.

JOHN PIDDINGTON *ſworn.*

I am a patrol of Saint George's, Hanover-ſquare, on the 22d of July laſt, about ten minutes after four in the morning, my partner and I were ſtanding in the corner of Park-lane, and the two priſoners came along by the dead wall from Tyburn Turnpike to the corner of the lane; they came on the foot way; I turned about and ſpoke to my partner that ſtands here, and ſaid, them men were ſuſpicious looking men, and they ſhould be ſearched; Goddard had the bag; it was very light, ten minutes after four; he had the bag tied up, and upon his head, the other priſoner had nothing upon him;

him; they were walking together as near as they conveniently could.

Did you hear them converſing together before you ſtopped Goddard?——I cannot ſay.

Were they walking ſide by ſide, or were they following?——I cannot ſay, I believe they croſſed one another when they came to turn down Green-ſtreet round the corner of the wall, as if not to come through it, but to go down Park-lane.

Did they appear to you as if they meant to avoid you?—Yes, I ſtopped them at the corner of Green-ſtreet, I aſked them where they were going; I ſpoke to Goddard, who had the bag, and the other ſtopped; they both ſtopped with one another, and my partner came up to me; I aſked him where he was going, and what he had got, he ſaid ducks; I ſaid, where are you going with theſe ducks, and he ſaid, to Leadenhall-market; I aſked him to whom there, and he ſaid Jones; I aſked him what Mr. Jones was, and he ſaid a ſaleſman; I aſked him where Mr. Jones lived, and he ſaid at Eaſt Acton; he ſaid he had been hay-making there; he ſaid I might ſee the ducks, I ſaid I ſhould ſee them; the ducks were all dead; I ſaw by the killing of them they were not properly killed by a market-man; I ſeized one, and my partner ſeized the other; the priſoner ſaid he was not concerned; going along Park-ſtreet, juſt by the Barley Mow, Goddard deſired to ſtop, I ſtood very cloſe to him the ſame time; I ſaw him huſtle very cloſe to the corner, and he put his right-hand into his left hand waiſtcoat pocket, and I put my hand in, and found this piece of wire, and this piece of iron; in the examination they were deemed picklocks, and I took them for ſuch; there were ſome things of no value, and a pewter ſpoon, but they are owned by nobody; nothing was found on Lovejoy but this little knife; I took the priſoner to our watch-houſe in Mount-ſtreet, and immediately ſet off for Eaſt Acton, where the proſecutor lives; I went to Mr. Bedford's to aſk if he had loſt the ducks, and deſcribed them no further than as ſeven ducks; I had no diſcourſe with the ſervant about the ducks; when I ſhewed them to him the ſervant knew the ducks, and ſaid they were his maſter's property; they were of the Muſcovy breed; I did not obſerve that he ſaid any thing about the marks.

JOHN PERRY *ſworn.*

I am a patrol; I was out with the laſt witneſs on the 22d of July in Oxford-ſtreet, we ſaw two men coming along from the turnpike; they were coming towards me; they turned down a lane; I was looking the other way; my partner ſtopped him, and I came up the other way; the ducks were juſt dead, they were warm, but no otherwiſe warm than as I imagined the man's hand had warmed them; I ſaw them again about ten, and I believe they were the ſame ducks.

PRISONER GODDARD'S DEFENCE.

I found the ducks under a hedge; this other priſoner is a ſtranger to me; they ſtopped me; at the firſt and ſecond time the ſervant ſaid they were too large to be his maſter's property, but the third time he ſwore to them.

Lock. I never ſaid any ſuch thing.

Priſoner Lovejoy. I know nothing of it.

JOHN LOVEJOY, NOT GUILTY.
JOHN GODDARD, GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. ROSE.

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785. JOHN CLAYTON, otherwiſe PADDY OYSTER, was indicted for feloniouſly aſſaulting Mary Lander, widow, on the King's highway, on the 11th day of September, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon, and againſt her will, one muſlin apron, value 10s. one linen apron, value 1s. one linen ſhift, value 4s. one flannel petticoat, value 1s. one pair of robins, value 1s. one handkerchief, value 1s. one ſhirt, value 1s. one pair of worſted

worsted stockings, value 6d. and one cap, value 6d. her property.

MARY LANDER *sworn.*

I was robbed on Sunday night last, a little before ten in East-Smithfield, I had two bundles in my hand, and a large lanthorn with a large candle in it, and a little girl about five years old at the side of me; and there came a man behind me, and turned me round, and pulled the bundle and took it from me, and he scratched me, and pinched my arms, and tore my apron and kicked at me, I struggled with him for a quarter of a minute, he kicked the mud all over me, and then he snatched at my second bundle, after he had taken the first; but he did not get the second; some people were at the window, and they hallooed out, do not pull the woman about so, and he went to the place called Parrot-alley, and a gentleman advised me to take my child, and go home and not follow him; I called out stop thief! but somebody ran after him, he was not taken then, but there was a little girl standing by that knew him, it was not a very dark night, but I had a light, I knew the man again in the morning, there were two men in the watch-house in the morning, and the moment I saw him, I knew him again, I am very sure it is the man that is the prisoner, I am quite sure of it; none of my things were ever found; my bundle contained the things mentioned in the indictment; the girl is here that knew him.

MARY TATE.

How old are you? ——Eleven.

Do you know the nature of an oath?—That I am sworn to speak the truth, that is all I know of an oath.

Do you know what will happen to you, if you do not speak the truth?—I shall not go to Heaven.

Do you know you are liable to be punished for it here if you speak falsely?—Yes.

Then take care and speak nothing but the truth, and answer my questions without fearing anybody.

MARY TATE *sworn.*

I know the prisoner, his name is Paddy Oyster, there were five of them in a gang altogether.

How long have you known him by sight?——About two or three weeks.

Did you see him last Sunday night?—I saw him take the bundle from the gentlewoman, I am very sure that I saw him take it, and he handed it over to another man whom I did not know, and I said very well Mr. Paddy Oyster, you are going to rob the gentlewoman; he said nothing, but he turned round and I ran away; when I saw him turn round, I thought he might follow me, I am quite sure it was him, and I went to the public house, the White Swan, for some liquor, that was in about half an hour after, and with my running I broke a bottle, and I told them at the public house that Paddy Oyster had robbed a gentlewoman; I saw him put the bundle up two pair of stairs, I followed up one pair of stairs, and there were two or three people before, there was Betsey Jarvis and two or three more; he did not know that I followed him; the gentlewoman came in the morning, I did not see her that night, I am sure this is the truth.

Court to Prosecutor. How did you find out this little girl?——She went to the public house for some liquor, and she told the woman at the publick house, that this man was fighting at the watch-house door, he is not beloved by the neighbourhood, and they found me out; when I came to him in the watch-house, I knew the man.

Did you hear the little girl cry out very well, very well you have got the gentlewoman's bundle?——I remember hearing her say so, I was frightened after the gentleman told me to get away, and take my child home.

——OSBORNE *sworn.*

I am a watchman, I was in the watch-house,

house, and this man was breeding a quarrel and fighting, and I told him so go home; I wanted a pint of beer, and went into the house next door, getting a pint of beer, and the landlord said there had been a robbery committed, and I took the prisoner into custody.

GEORGE HERVEY *sworn.*

I know no further than from the information that the publican left, I assisted in taking the prisoner knowing him by the name of Paddy Oyster.

JOHN WILKINSON *sworn.*

I know nothing as to the robbery, only as to the taking the man into custody.

PRISONER's DEFENCE.

I have a witness here of the place where I was at, from eight till half after ten.

(The rest of the prisoner's witnesses were ordered out of Court.)

JOHN STEVENS *sworn.*

Court. Where do you live?——At Mr. Luke M'Carty's.

Where does he live?—In East-Smithfield.

What is he?——A publican.

What public house does he keep?——The sign of the Shovel.

Do you know the prisoner?—Yes.

How long have you known him?——I knew him to be at our house from eight o'clock.

How long have you known him?——I have known him these fourteen months.

When did you know him to be at your house?——From eight o'clock on Sunday night.

What Sunday?—Last Sunday.

What time did he come into your house?——Eight o'clock.

What did he come in for?—He came in and he called for a quartern of gin.

Did he come in by himself, or with anybody else?—There was another man and woman came in with him, and called for some gin.

How long did he stay?—He staid from eight o'clock till half after ten.

Now, did the company stay with him all the time?——Yes.

Did they go away together?——Yes.

Had they any supper?—No, Sir, they had no supper.

What did they drink during the time they were there?——The first beginning they had a pint of beer.

What more?——Then he had a quartern of gin at half after ten.

What, and had the three people but a quartern of gin and a pint of beer among them all?——Yes.

What more had they?——No more.

That was all?——Yes.

Did they sit all that time?——Yes.

Are your customers usually so sober in two hours and an half?—Some, not all.

How came you to take notice of the time these people came in and went out?—I always take notice.

What of every body?——Yes.

Can you tell me what time every body came in and went out?——Yes, some of them.

Do you remember any particular company come in or went out on Saturday night?——They are none of them here.

But who do you remember?——One Mrs. Allen.

What time did she come in?—She came in at five o'clock.

What time did she go away?——At eight o'clock.

How do you know what o'clock it was when these people came in and went away?—I know very well, I saw by the dial.

Have you a clock in the tap room?—Yes.

Did you look at the clock when the people went away?——Yes.

How happened that?—I always do.

What when every body goes away?—Yes.

How happened that?—I always do.

What when every body goes away?—I always look at the clock when our customers go away.

Wh

What do you do that for, to be able to give evidence for them?—Yes, Sir.

So they had no supper all this time?—No.

And only one pint of beer, and one quartern of gin?——Yes.

WILLIAM WALLIS *sworn.*

Do you know the prisoner?—Yes.

Which is him?—That is the man there.

What do you call him?—Paddy Oyster.

How long have you known him?——I have known him these five years.

Do you know where he was last Sunday evening?——Yes.

Where was he?——At Mr. M'Carty's.

Was you in company with him?—Yes, Sir, I was.

How did you fall into company with him there?——I met him at eight o'clock standing at the door, I went in with him.

Where did you meet him?——In East-Smithfield.

How many of you went there?——A woman, and he, and I.

What o'clock was it?——Eight o'clock when we came in.

Was nobody else in company?——Nobody else.

How long did you stay there?——Till half after ten, I staid.

And how long did Paddy stay?——I do not know, I shook hands with him at the door, and parted with him at half after ten, and went home.

Did he come away then?—I cannot say, I left him standing at the door, I shook hands with him, and went to bed.

What time did the woman go away?—I do not know indeed.

How long before that did she go away?—She stood at the door with him, I shook hands with them both, and left them both together.

How came you to take notice what o'clock it was?—By Mr. M'Carty's clock that stands in the tap room.

Did you look at the clock?—Yes.

So you left him and the woman together?——Yes.

Had you a good supper?—I had no supper with them.

What were you so long without having any supper?——I had no supper, I had two pints of beer, and a dram of gin with them.——

Was that all you had?—Yes.

And no supper?—No.

How came you to take notice what time you went in and came out that night?—The clock stands in the middle of the tap room, and when you go in, you can see what o'clock it is.

ELIZABETH FLINN *sworn.*

Do you know the prisoner?——Yes.

How long have you known him?——I have known him for these twelvemonths and better.

Do you remember seeing him any where last Sunday night?——Yes, at the Shovel, in East-Smithfield at Mr. M'Carty's.

Do you know how long he had been there before you went in?——I cannot say, I was in there at eight o'clock.

You do not know how long he had been there?——I do not know.

Did you find him there?—Yes, I found him there when I went in.

Did you go along, or had you any body with you?——I went in by myself.

How long after you came in was it that Wallis came in?——I cannot really tell how long it might be, but we were all in company together.

Did Wallis come in after you, or was he there before you?——I cannot rightly tell, but I think first the prisoner was there, when I went in.

And Wallis came in after that, did he?——I really did not take notice, whether he was there before or after, I know they were all in company together.

Why he did not go in with you?—No, Sir, I went in by myself.

How long after you went in was it before you all joined company?—Directly almost.

Who else was there in company with you?——Why, there were two more that are

are not here; they attended yesterday but they could not attend to day, because they were at work.

Who were they?—Black Joe was one.

Who is he?——A black man.

Where does he live?——I do not know where he lives.

And who else?—Another man, I do not know his name.

Did the prisoner go away before supper?—Before supper, Sir, we did not eat any supper there, we had beer and gin, but no supper.

Then you did not stay long I suppose?——Yes, I did stay till half past ten, and better.

And had you no supper at that time?—No.

What drink had you then?—Only we had beer and gin plenty.

How much, recollect, I do not mean to confine you to two or three pots, but whereabouts?——I do not know how much we had indeed, I cannot remember when I am in liquor.

How much had you to your own share? To my own share, upon my word I cannot say, Sir, I drank pretty hearty.

Did the prisoner drink pretty hearty?—Yes, Sir, he was very much in liquor.

Were you all sober when you went in?——Yes.

Had you five pots or ten?——Upon my word, Sir, I cannot remember when I am in liquor.

Who paid the reckoning?—We paid it among us as it came in, I did not spend above four-pence halfpenny, I had no more.

Some of them spent more than that, did they?—I do not know indeed.

Had you any gin?——I believe so, yes, we had some gin.

How often was gin called for?——That I cannot tell.

Four or five times?——Upon my word, Sir, I do not know how often, we had it too often I think.

Which of you went away first?—Let me recollect; Wallis went away first, I think to the best of my memory.

And which next, do you remember?—I and the prisoner went together across the way.

Where did you part with Wallis?——At the corner of the alley that faces the Shovel.

Then you went out together?——*We went all out together, one after the other,* when Wallis went away, we all come out together, it was a little better than half after ten.

What went with the other two?—They staid in the house till the landlord turned them out.

So you had no supper at all?——No.

Nothing but drink?—No.

But plenty of that?—We had our share.

How much do you think your share was?—Upon my word, Sir, we were all in liquor mostly.

Cannot you form some judgement?——I cannot remember when I am in liquor, indeed, we were none of us very sober.

You was sober when you went in?——Yes.

How much may you drink before it get into your head?——A little thing gets into a person's head sometimes to what it does at others, we might have two or three pots besides gin.

Would two or three pots make five of you drunk?——No, I do not imagine it would.

Court to John Osborne. What time of night was it when you took the prisoner?—About half past eleven.

Jury. Is the landlord in Court.

Prisoner. I sent for the landlord, but he was not at home.

The Jury after conferring sometime desired to withdraw some time, and returned with a verdict

GUILTY, Death.

The prisoner was humbly recommended to his Majesty's mercy.

Tried by the second Middlesex Jury before Mr. RECORDER.

786. WILLIAM MOORE was indicted for feloniously breaking and entering the dwelling house of John Weedon, at the hour of ten in the forenoon, on the 8th day of Auguſt laſt, no perſon being therein, and feloniouſly ſtealing therein, one linen ſhirt, value 5s. one pair of cotton ſtockings, value 2s. and one muſlin neckcloth, value 2s. his property.

(The witneſſes examined apart at the requeſt of the priſoner.)

JOHN WEEDON *ſworn.*

I live at Ickenham, near Uxbridge, I am a married man, my wife's name is Elizabeth Weedon, I have four children; on the 8th of Auguſt laſt, my houſe was broke open, I was gone to hay binding, and my wife was gone to reaping; two of my children were with my wife, and the other two were gone to ſchool.

Did you go out before your wife, or laſt?——I went out before her, and left her at home; I did not hear of my houſe being broke open, till my wife came home about five in the afternoon, I came home about eight, when I came home I found a woman in the houſe, and my things in their places as they uſually were; the firſt place that was broke through, was a large window, and the ſtaple was forced out, I loſt the things mentioned in the indictment.

What was the value of your ſhirt?——Five ſhillings.

Was it a new ſhirt?—It had a new body, a pair of old ſleeves, and new wriſtbands and collar, a pair of cotton ſtockings narrow ribbed, value 2s. a fringed neckcloth, value 2s. I pulled theſe things off the night before, I went to bed, I left them in the bed chamber, I never ſaw the priſoner till I ſaw him the next morning before Juſtice Fellows, the robbery was on the Monday, I ſaw the things the next morning before the Juſtice, they are here now.

Priſoner. Did you ever ſee me about your houſe, or in the pariſh?—I did not, I never ſaw you to my knowledge, till I ſaw you at the Juſtice's.

ELIZABETH WEEDON *ſworn.*

I am the wife of John Weedon, on Monday the 8th of Auguſt, I went out to reaping, about eight in the morning, my huſband went out to hay binding, I have four children, they were all four gone to ſchool, I was laſt in the houſe, and when I went out, I am poſitive ſure that I faſtened the door and windows, I returned about five in the afternoon, and found the window broke open of the little back room, it appeared to be freſh broke, I am ſure it was whole and faſt when I went out, then the door was burſt open between the back room and the other room, both the back rooms communicate with the dwelling houſe, with the inſide, there was a ſhirt taken away, a pair of ſtockings, and a neckcloth, I put them into my huſband's cheſt that very morning before I went out, there was no lock to the cheſt.

Put the loweſt price on the things?——The real worth of the ſhirt was five ſhillings, the ſtockings were worth three ſhillings, they had not been waſhed but once, I gave four ſhillings for them, the neckcloth was worth two ſhillings, it was almoſt new, I bought it myſelf, it coſt half-a-crown; the priſoner was taken between five and ſix that ſame evening, at Hillingdon; I had intelligence from Ann Milton of the robbery, and I followed him, he had my huſband's ſhirt on his back, I ſaw it taken from him, he had the neckcloth round his neck, I ſaw that taken from him, the Juſtice had the ſtockings, they were taken from him before I came, I am poſitive the ſtockings, the ſhirt, and the neckcloth were the ſame that I put into my huſband's cheſt that morning.

Priſoner. Was the cap that ſhe took before the Juſtice, in the houſe at the ſame time that the ſhirt and other things were?—There was that night a cap that laid at top of the cheſt, but it was loſt out of the bundle ſomehow, it was of very little value.

Court. How did you come by that cap?——I made it out of a white apron, the conſtable has the cuſtody of the things, I left no perſon in the houſe when I went out.

JAMES WOODLEY *ſworn.*

I am conſtable at Hillingdon, I have a ſhirt, neckcloth, and a pair of white ribbed ſtockings, which I took from the priſoner, he was at the door with Samuel Allen, a taylor, offering them for ſale, and Mr. Allen came over to me to the public houſe, and ſaid he had a ſuſpicious man offering him a pair of ſtockings for two ſhillings, upon which I went and took the priſoner into cuſtody, he had the ſtockings on one arm, and a piece of camblet that contained ſix yards on the other; the priſoner I obſerved had a very good ſhirt on, and I ſaw he had a very good neckcloth on; I examined his neckcloth, and pulled it out of his boſom, to ſee if there was any mark upon it, there was no mark or letter at all then, when I examined the neckcloth, I ſaw the collar of his ſhirt was not buttoned at all, I then obſerved the wriſtbands were not buttoned; he ſaid he bought the things in St. George's-ſtreet, in the Borough, I aſked him what ſhop, or number, and he could not tell me, then I took him to the Juſtice, it was rather after ſix, or about ſeven, when we got to the Juſtice's, and Mrs. Weedon came ſoon after, ſhe ſaid her houſe had been broke open, ſhe ſaid ſhe loſt a pair of white cotton ſtockings ribbed, which the Juſtice had in his hand, and ſhe ſaid they were hers, they were the ſame I took from the priſoner, ſhe ſaid ſhe had loſt a neckcloth, and ſhirt, ſhe knew the neckcloth, though it had no mark, which he had on, and ſhe owned the ſhirt being remarkable, ſhe deſcribed the ſhirt which I took from the priſoner.

ANN MILTON *ſworn.*

I live in Ickenham, the priſoner came to aſk me the way into the High-road, on the 8th of Auguſt about four in the afternoon; I was weeding of turnips, it was about a quarter of a mile from the proſecutor's houſe, I directed him the way, it was a by way where I was, it was not a common foot path, he turned away for Hillingdon; he had a ſickle on his left ſhoulder, and a piece of camblet under his left arm, and a horſeſhoe in his hand, he went away, and I ſaw Elizabeth Weedon about an hour after, ſhe ſaid her houſe had been robbed, and I told her of the priſoner; I was not before the Juſtice that night, but I afterwards ſaw him before the Juſtice on the Tueſday morning, I knew him again, I am very ſure the priſoner is the ſame perſon I ſaw the night before.

SAMUEL ALLEN *ſworn.*

I live at Hillingdon, I know the priſoner, he came to my houſe on Monday the 8th of Auguſt, in the evening, nearly about ſix, he offered me a pair of white cotton ſtockings to ſell, I took them in my hand, theſe are the ſtockings, he aſked two and ſixpence, I bid him two ſhillings, he ſaid I ſhould have them for two and three-pence, I told him I ſhould give him no more, he went towards Uxbridge about two hundred yards, and he turned back, I expected he was coming to bring me the ſtockings, and I called the conſtable, and the priſoner was taken into cuſtody, he brought the ſtockings back to me.

PRISONER's DEFENCE.

I was coming from St. Albans, and at a place called Sundridge, I cut three acres of corn for one farmer Thrale, at five ſhillings and ſixpence per acre; I came acroſs the country, and I met a man on the road that had theſe things, and the cap; this woman will not bring the man to juſtice becauſe he is a neighbour, and I was taken becauſe I was a ſtranger.

Court to Allen. Was any other perſon with the priſoner when he offered the ſtockings to ſell?—No.

Jury. I think he ſaid to you, that he bought them in St. George's ſtreet, in the Borough?—Yes, and the Juſtice ſaid there was no ſuch ſtreet.

Court to Jury. Gentlemen, where a dwelling houſe has been broken in the day time by two perſons, and one of them erected a ladder, and opened the window, and took out the things, it had been held, that the excluſion of the benefit of clergy only applied

plied to him, that actually put in his hand, and ſtole the things.

Jury to Milton. Did he ſeem to you to be coming from Weedon's houſe at the time you ſaw him?—Yes.

Jury to Conſtable. Did the priſoner ſay he bought all the things in the Borough?—Yes.

There was no perſon with him?——I ſaw no other man.

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Juſtice GOULD.

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787. THOMAS BROWNING and THOMAS WINDERBANK were indicted for feloniouſly aſſaulting James Buttercaſs on the King's highway, on the 14th day of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one gold watch, value 7l. and five ſhillings in monies numbered, his property.

(The witneſſes examined apart, at the requeſt of the Priſoners.)

JAMES BUTTERCASS *ſworn.*

I was robbed on Wedneſday laſt in the evening, a few minutes after five, on the road leading from London to Harrow, within three miles and a half from Harrow, within a few yards of Wimbly-green, I was in a one horſe chaiſe, nobody was with me; I was ſtopped by two men, whom I remember very well to be the priſoners at the bar; they met me, the one that has a defect under his eye, had a horſe piſtol.

Court. What is his name?—Thomas, Browning, he laid hold of the bridle of my horſe, he had a large ruſty piſtol in his hand, and with an oath demanded my money; I inſtantly got up and made a threatning motion to jump over him, and whipped my horſe, in hopes to go over him, then the other man came to the fore wheel and preſented a cutlaſs from under his coat, I gave him upwards of 5s. and a few half-pence, I believe it was leſs than 10s. they expreſſed a doubt that it was not all, and they felt on my pocket, and lifting up the flap of my waiſtcoat, they ſaw the black ſtring of my watch, they aſked me what it was dangling, I replied that it was my watch, but it would be of no uſe to them; I delivered it to the other priſoner that drew the cutlaſs, that was Winderbank the tall priſoner; after I had delivered him my watch, they ſaid I might go on. I ſtopped their proceeding towards London, and expoſtulated with them to return my watch, and I muſt in juſtice to one ſay, he would have returned it, he was coming back, but the other threatened that he would ſhoot him if he ſtirred an inch, that was the taller priſoner Winderback, that would have returned it, Browning ſaid to his companion, I will ſhoot you if you ſtir an inch: in favour of the other who had the piſtol, I beg leave to mention that he did not fire, though the piſtol was loaded: when I loſt ſight of them by the winding of the road, I proceeded as faſt as I could to Wimbly Green, then I ſaw two men with horſes at the leaping bar, I applied to them, they were men from London, I told them of the robbery, they purſued them, and within twenty minutes after I had been robbed I met ſome gentlemen of Harrow, who told me, ſome men, ſuppoſed to be the perſons I deſcribed, were apprehended; and when I ſaw them they were the ſame; I ſaw them in a field about a mile and a quarter from the place where I was, Browning was in cuſtody of Joſeph Thompſon; it was full day light, I knew them perfectly, it was impoſſible I ſhould not know them, only their faces were much dirtier, I am perfectly clear, I had no doubt then or now, I was told that my watch was picked up by a little girl, who was with her parents in a field.

Mr. Peatt, Priſoner's Council. Had you ever ſeen any of the priſoners before?—No, not to my recollection.

They were much dirtier you ſay?——Yes,

Yes, but not enough to conceal his features.

RICHARD TOWNE *ſworn.*

I know nothing about the robbery, I was bringing a calf to Mr. Green, and Mr. Barlow was leaping a horſe over a leaping bar at Wimbly Green, the proſecutor came up, and ſaid he had been robbed by two footpads; he deſcribed them, and ſaid one of them had a brown coat on, and one had a lightiſh colour one on, Mr. Barlow was with me, and I got upon my horſe, and rode as hard as I could ride; I took down to the church, and I ſaw two men running up a field, I might have rode about a quarter of a mile, they were walking, then I judged them to be the two men, they anſwered in dreſs the deſcription of the proſecutor, and I could ſee nobody elſe; Mr. Barlow was with me, I purſued them over a field, and they came over a gate, I leaped my horſe immediately, and threw them down and myſelf too, and my horſe; and I ſays to the two priſoners, you are two villains, and you have been uſing a young woman ill, going to raviſh her, which is my ſiſter; I did not tell them the real thing till afterwards, for I was rather afraid, ſays I, if you do not follow me, I will blow your brains out; they were very civil.

No ſuch thing had happened to your ſiſter?—No, my Lord, but I was rather frightened, and was glad to ſay anything to get away from them, but they were very civil.

Had you any arms?—Nothing but a ſtick, but I told them I had arms; I went to the middle of the field, and there I jumped off my horſe, and laid hold of them, then Mr. Barlow, and another young man Joſeph Thompſon came up to my aſſiſtance; the young man with ſore eyes ſaid, he would not come on; Mr. Barlow hit him over the head with a ſtick; Mr. Barlow ſearched them both, he found nothing on them but a ram-rod and a knife, they had no arms at all; as I was riding by them, I judged they had dropped ſomething, I did not actually ſee them; there was a horſe piſtol found, and in about fifteen minutes the proſecutor came up, it was all done in leſs than half an hour, we took them to the alehouſe, and afterwards to Juſtice Lamb's; the proſecutor came and ſaid they were the two men that robbed him.

Were they ſearched again before the Juſtice?—The Juſtice would not have anything to do with them, he delivered them up to the Shepherd's-buſh patrol, belonging to Sir Sampſon Wright, who ſearched them, and found nothing upon them; I ſaid I believed I could find every thing in the field, and I took a ſtick out of one of their hands and ſtuck it up at the place they were taken from, and I looked in the field; I went from the ſtick by my horſe's tracks, by his foot tracks, it was high graſs, and I judged I ſhould find ſomething, and the firſt thing that I picked up was ſome ſhot and ſome powder, that was about fifteen yards from the place where I took them; the next thing I found was this cutlaſs, and the gentleman brought the ſheath, and ſaid it anſwered the deſcription.

Proſecutor. I found the ſheath, in the road where I was robbed.

Towne. The next thing that I ſaw was a farmer's man pick up this piſtol, it was charged, and he let it off, but what with I do not know, it made a great report, it was primed; going a little way further I ſaw a little girl pick up this watch cloſe to me, this was all within fifty yards.

(The watch depoſed to by the proſecutor.)

Proſecutor. I did not recollect the number or the maker's name, nor do I now recollect the number, though I have looked at it ſeveral times; it has all the appearance of being mine, I have had it ever ſince the year 1767; I have not the ſmalleſt doubt but it is mine; I believe it to be gold, I was told ſo, but I cannot ſwear it is; I remember the two firſt figures of the number, which are one and three; I do not

not remember the reſt, and there is the name of Gordon on the inſide.

Mr. Peatt, Priſoner's Council, to Towne. The priſoners did not attempt to get away?—No.

Is not this the ſhooting ſeaſon?—There are partridges about you?—I do not know, I never carry a gun out.

There is a good deal of powder and ſhot in that part of the country?—Yes.

Court. It is common ſmall ſhot.

Priſoner Browning. On which of us was the ramrod found?—On Winderbank, but there is no place for the ramrod in the piſtol.

——— BARLOW *ſworn.*

I joined in the purſuit of the priſoners, and after they were ſtopped, we found the things in the ſame field, within the courſe of forty yards, we obſerved a part of the field that the priſoners had gone on by the track of Mr. Towne's horſe, I was within two yards of the track, my horſe made a fault, and fell down into a gravel pit, ſo I was not up ſo ſoon as Towne, but I ſaw the things found; I did not ſee the watch picked up, I ſearched that man, and took a knife and key from Browning, and the other, Winderbank, had a ramrod, the proſecutor immediately ſaid that is the man that held the piſtol to my horſe's head, that was Winderbank; and that is the man that ſtood with the cutlaſs, and took my watch, that was Browning, and the gentleman ſaid that Winderbank would have given him his watch back, but Browning ſaid he would blow his brains out; I am ſure of their perſons.

Towne. I cannot recollect poſitively which it was he ſaid ſtood at the horſe's head, but I think he ſaid the ſhorteſt, Browning, and the other took his money; my recollection in that circumſtance differs from Barlow's.

JOSEPH HOGSDON *ſworn.*

I was coming from town, and I joined in the purſuit, and I helped to take them; I ſaw them picking up the things, I ſaw the watch ſoon after it was picked up, but I did not actually ſee it picked up; when the proſecutor came he ſaid they had robbed him; he did not ſhew me which, he ſaid they were the two men that robbed him; their faces were rather dirtier; the ſhorteſt man was rather dirtier.

PRISONER BROWNING'S DEFENCE.

We were going a little way with a ſhipmate; we went down the higheſt way, and we went acroſs a bean-field, and he took three or four beans, and we thought it was the farmer.

Towne. There was not a ſoul that I could ſee within a quarter of a mile; the two priſoners were behind a hedge, and I did not ſee them at firſt.

Priſoner Browning called ſix witneſſes, who all gave him a very good character.

Priſoner Winderbank. My witneſſes are not come yet.

THOMAS BROWNING, } GUILTY, Death.
T. WINDERBANK, }

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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788. JOHN ASHBOURNE and JOSEPH WOOD were indicted for feloniouſly breaking and entering the dwelling-houſe of George Whitmill about one in the afternoon, on the tenth of Auguſt, no perſon being therein, and feloniouſly ſtealing therein one cotton gown, value 17s. a camblet gown, value 10s. a linen gown, value 2s. a cloak, value 5s. a pair of leather breeches, value 3s. a linen waiſtcoat, value 9d. a piece of linen, value 1d. a ſhift, value 2s. the property of the ſaid George Whitmill.

GEORGE WHITMILL *ſworn.*

I went out about five o'clock in the morning, and left my wife at home, when I came home, my wife, who had been out, came home, and as I was coming home I met my daughter, who was coming down to the field where I was at work, to tell me,

and as I was going home I saw two men, with each of them a bundle, in a field adjoining to the wheatfield which I came out of; I was reaping wheat; that was about half a mile from my house, this was about half after one.

Who were the two men that had the bundles?——They are the prisoners at the bar, who were strangers to me then; I am positive to the prisoners; they were going from my house across the field towards Harrow on the Hill, I went back to the field I came out of, and called to the two men that were reaping in the field, and told them I really thought my house was robbed; they came to my assistance, and the prisoners ran across a hedge into a plowed field; I had heard at this time that my house had been broke open, I pursued them about ten or a dozen yards, but after they threw the bundles away I returned back to pick them up; I saw the bundles picked up; the prisoners were taken in less than half an hour; when I came home I saw a back window was broke open into the orchard, the glass was unnailed, and one side of the light, and two of the staves, were broken down, and the case was pulled out.

Were the things that are contained in those bundles in your house that morning?——Yes.

In what part of your house were they?—In my lodging-room.

Prisoners. When you saw us pass over the hedge, how could you see us heave the bundles away when you was the other side of the hedge?——Oh lack-a-daisy! you did not throw the bundles away till we had run after you six or seven yards; there was only a hedge that parted the plowed land from the field; we could have touched them if we had but a rod when they first jumped over the hedge.

WILLIAM READING *sworn.*

I was reaping on that day I saw the prisoners, I pursued them; they are the men; I saw them both have a bundle in their hands; I saw them throw away the bundles; I was about nine or ten yards off when they threw away the bundles; we were both on one side the hedge; the prosecutor stopped to take care of the bundles, and me and Fooley followed them; in the space of half an hour we took them; we ran three quarters of a mile; we took one of them in a meadow-field, that was John Ashbourn; Wood run away, and concealed himself, and there was an alarm made, and he was taken, and brought to the other in less than an hour.

RICHARD TULY *sworn.*

I was with Reading at the taking of Ashbourn; I saw a bundle in each of their hands; I saw them both throw the bundles away; I know where the prosecutor lives; when I first saw them it was about a quarter of a mile from his house; they were coming from his house; it was between one and two; Wood was taken in about half an hour.

SARAH WHITMILL *sworn.*

I went out of my house the morning of the robbery, about eleven, as nigh as I can guess; I made the door very fast, and the windows very fast; it was not a casement, nor nothing of that sort; I have five children; two of them were reaping in the field with my husband, and two in school, and one I had with me, a little infant; I came back between twelve and one, but I cannot say justly to the time; when I came to the house I unlocked the door, and looked strait forwards, and saw one light of the window broke, and one of the staves pulled right down; this was the back window to the orchard; then I looked about my house, and saw that my house was broke open, and I ran up stairs immediately, and saw the chest open, and missed my clothes, and I saw some things laying about the room.

BERNARD LIGHT *sworn.*

I am the constable; I produce these things; I was sent for to the Red-lion public house on Harrow-hill common, and they gave me charge of the prisoners at the bar, and the things, I have had them in my custody ever since.

(The things deposed to)

Sara

Sarah Whitmill. Here are a red cloak, and a cotton gown, I have the cuffs to it, which did not lay with it, this gown cost my husband a guinea, I have not worn it above three times.

Is the other gown yours?—Yes.

What is that worth?—Seven or eight shillings.

PRISONER ASHBOURNE'S DEFENCE.

Me and this man were looking after work, and we saw a man come running down a bean field, two of us together; we saw him heave down two bundles, nobody came to pick them up, but we took them and carried them, then they came to me, and I hove it down and run away; I know no more of the house being broke open than your Lordship.

PRISONER WOOD'S DEFENCE.

I can say no more than he has said, we have no witnesses.

JOHN ASHBOURNE, JOSEPH WOOD, } GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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789. JOHN BRENTWOOD and ROBERT CHAMBERS were indicted for feloniously stealing, on the 20th of June last, 1100lb. weight of lead, value 6l. belonging to Benjamin Fowles, affixed to a certain building called a shed of the said Benjamin, against the statute.

A Second Count charging them for feloniously stealing 81b. weight of lead, value 4l. belonging to the said Benjamin, and then and there affixed to his dwelling house, against the statute.

BENJAMIN FOWLES *sworn.*

On the 20th of June, I lost some lead, or early in the morning on Tuesday the 21st, the lead was about one thousand one hundred weight, the shed adjoins to the house, it is open, I also lost at another time eight hundred pound weight from the roof of my dwelling house, it was all carried off except one piece or two, that was dropped in the garden, which was taken from the house, I compared that lead that was dropt in the garden, which was taken from the house, I compared that lead that was dropped in the garden, and it fitted; on the 28th the two prisoners were seen taking some lead out of a ditch by the two other witnesses;—it was taken from the flat of the house.

WILLIAM MOXON *sworn.*

I am a carpenter, I was at work upon the premises from which the lead was taken, the prisoners were brought up to me with the lead, I laid it down in several places, and found it matched exactly, another piece of lead was brought immediately after, with the corner cut off five or six inches, which matched exactly.

JOSEPH BEST *sworn.*

I was at work in the field, and I saw the prisoners and two others go into a ditch belonging to our field, and take out some lead and put it into a sack, and as they were taking it away I stopped them; they threw it down and run away; I ran after them and took two of them, which are the prisoners; I never lost sight of them.

RICHARD WHITE *sworn.*

I saw one of the prisoners go along by the ditch to pick up a piece of lead, and put it into a bag, they were both present.

PRISONER BRENTWOOD'S DEFENCE.

I saw this lead lay, and I drew it out, I did not know what it was, and in about five minutes afterwards they brought this other prisoner, he was not with me at the time.

Court to Best. Was this ditch near a foot path?—Yes, it was within a hundred yards of the foot path.

The prisoner Brentwood called five witnesses to his character.

GUILTY.

Each Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

790. JOHN CLARKE was indicted for feloniously ſtealing, on the 19th day of September laſt, one boy's velvet waiſtcoat, value 18d. and one pair of jean breeches, value 18d. the property of Richard Worrell.

RODERICK M'ENZIE *ſworn.*

On the 19th of September, the priſoner came into the proſecutor's ſhop, who is a ſaleſman, for ſome clothes, I miſſed the waiſtcoat and breeches, and found them in the priſoner's breeches concealed, he denied having them, then he ſaid he did not do it intentionally, they were the proſecutor's property, with his ſhop mark.

(Depoſed to.)

WILLIAM BRADHAM *ſworn.*

I work journey-work for the proſecutor, I ſaw the priſoner and the laſt witneſs on the ſtair-caſe together, and I heard a diſpute between them, and the priſoner ſaid he had got the waiſtcoat and breeches, and would deliver them up directly, they were found in the ſeat of his breeches behind, he ſaid he did not mean intentionally to do it.

PRISONER's DEFENCE.

I was rather in liquor, I did not know anything of it, I had been drinking very hard for a day or two, and was quite ſtupid.

Bradham. He was in liquor.

GUILTY.

Privately whipped, and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

In a few Days will be Publiſhed in the Seſſions Paper:

The remarkable Trial of WILLIAM HARVEY, a Conſtable, for wilful and corrupt PERJURY, on the Trial of PETER NEWBERY and WILLIAM IVERSON, who were capitally convicted in February Seſſions laſt, but have ſince received his Majeſty's pardon.

N. B. This Trial which laſted SEVEN HOURS will contain the evidence of a number of witneſſes at large, with the SPEECHES of Mr. MORGAN for the Proſecution, and Mr. FIELDING for the Priſoner, and is well worth the attention of the public.

The remarkable Trials of JOHN HENRY AIKLES and GEORGE THORP for returning from Tranſportation are in the preſs, with the LEGAL OBSERVATIONS that occurred during the trials.

Alſo the remarkable Trial of JANE LANGLEY and MARY FINN, on which two witneſſes were committed to Newgate for wilful and corrupt Perjury.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

791. ELIZABETH HENLEY wife of John Henly was indicted for feloniouſly ſtealing, on the 20th day of July, one pair of linen ſheets, value 6s. two flat irons, value 12d. one copper tea kettle, value 2s. the property of John Collins, being in a certain lodging room, in the dwelling houſe of the ſaid John Collins, let by contract by him to the ſaid John Henley, and to be uſed by him and the ſaid John Henley, againſt the form of the ſtatute.

JOHN COLLINS *ſworn.*

The priſoner lodged at my houſe above two years, I loſt the things in the indictment, I was obliged to turn them out, for they owed me a great deal of rent, the taxes were ſo high, and now the ſhop-tax, that people find it difficult to live; a man lived with the priſoner as her huſband, I put the padlock upon the door one night when they were both out, and the next day theſe things were miſſing, and the leads of the windows were miſſing, the woman was at the door, and we charged her with a conſtable, the man went into the hoſpital; I believe the ſame day the things were found at different pawnbrokers.

WILLIAM ALDRIDGE *ſworn.*

I am a pawnbroker, I had a pair of ſheets, they were taken in from one Sarah Alwright in March 1784, ſhe is not here, the priſoner renewed one in March laſt, ſhe paid the intereſt of one of the ſheets, ſhe ſaid, they were her own ſheets, ſhe ſaid her huſband was very ill, which he was, he is ſince dead in the hoſpital.

Proſecutor. The ſheets have no mark, I believe them to be mine.

JOHN WICKHAM *ſworn.*

I produce two flat irons, anda kettle, the priſoner pledged the kettle, but I am not poſitive to the irons, the irons were in September 1784, and the kettle about three months ago, ſhe ſaid it was her own property, and her huſband was very ill, and had not anything to get him a breakfaſt; I cannot ſwear to the kettle nor the irons.

PRISONER's DEFENCE.

I lodged in Mr. Collin's houſe ſix years, and my poor huſband has been bad ever ſince a week before Chriſtmas, and I have been bad, my legs have been ſwelled, I buried him; I had no money, but when I had, I always paid my rent, honeſt and juſt; the things that were out, I intended to get in again; I paid him five ſhillings, and my poor huſband was then dying, I leave it to the mercy of the Court.

Court to Proſecutor. How did this poor woman behave in other reſpects?—Very honeſt

honeſt, ſhe always behaved very well, ſhe worked for us.

Court to Jury. You are to judge whether ſhe did this under the authority of her huſband, if you think ſo you will acquit her.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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792. JAMES CONNELL was indicted for feloniouſly breaking and entering the dwelling-houſe of William Keene, on the 6th day of September; about the hour of ſix in the afternoon, no perſon being therein, and feloniouſly ſtealing therein, three linen ſhirts, value 10s. the property of William Norman; and two pair of ſtays, value 10s. one ſilk cloak, value 6d. two aprons, value 1s. four yards of ribbon, value 4d. one handkerchief, value 2d. one other handkerchief, value 6d. one pair of ſhoes, value 2s. two old rings, value 6s. one pair of ſtone ſleeve buttons ſet in ſilver, value 6d. one ſilver ſtay hook ſet with ſtones, value 1s. one linen gown, value 5s. one bed gown, value 6d. one pillow caſe, value 6d. and one crown piece, value 5s. the property of the ſaid William Keene.

WILLIAM KEENE *ſworn.*

I live in Cloth-fair, I am a ſtone-maſon, on the 6th of this month, I went out about five in the afternoon, I left nobody in the houſe as I knew of, nobody was in my room, I only rent one room; I locked it with a ſtock lock, and a padlock on the outſide with a chain to it; I did not return till a lad came to me about ſix, and informed me my room was broke open and robbed; when I returned the priſoner was at the door with my property by him in the hands of ſome men, and I found the door was forced open, the lock either forced or picked, and the lock of the box forced open, with an inſtrument of ſome ſort or other, there were four lodgers in the houſe, the woman that was in the garret was at home and came down the ſtairs, and three linen ſhirts belonging to one William Norman, which he gave to my wife to make up for him was miſſing, ſhe had ſeven, and ſhe had made four, and we miſſed the other things mentioned in the indictment.

SARAH HAMBURGH *ſworn.*

I lodge in the garret, coming down the ſtairs I ſaw the door wide open, and I turned my head round, and I thought the room was robbed, and coming down the ſtairs that man paſſed me with a bundle in his hand, he came out of the yard, as I ſtood on the bottom ſtair, I cannot ſay whether he came our of the room or not.

JOHN POWELL *ſworn.*

On the 5th of September ſtanding at my own door, I heard the cry of ſtop thief! I ſaw the priſoner run down the ſtreet, I collared him and apprehended him, he had two bundles with him, it was rather before ſix than after.

DAVID TIFFNEY *ſworn.*

Some part of this bundle I received at Guildhall, and this ſhift I took out of his pocket going to priſon.

(Produced.)

MARY KEENE *ſworn.*

(Depoſed to the things.) They are of the value of 40s. and upwards, they were in my box that day locked up.

Court to Proſecutor. What ſort of a padlock was it that you put on?——A very ſtrong one.

Could the ſtaple be wrenched out, without making a conſiderable noiſe?——Not very eaſily, for it was clinched at both ends withinſide, the ſtable was drawn out from the wood.

PRISONER's DEFENCE.

I know no more about it, than that I am to die this minute, the things I had were given to me at the entry door.

GUILTY, Death.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

792. BEN-

793. BENJAMIN HOWELL was indicted for burglariously breaking and entering the dwelling house of James Field, about the hour of one in the night, on the 1st day of July last, and burglariously stealing therein, one cotton gown, value 4s. one silk gown, value 18s. one other silk gown, value 16s. one coat, value 5s. one pair of breeches, value 1s. 6d. one pair of stockings, value 12d. four pair of silk stockings, value 10s. four handkerchiefs, value 3s. four stocks, value 2s. and two shifts, value 10s. the property of Mary Royle, spinster.

MARY ROYLE *sworn.*

I live with James Field, on the first of July last, he is a brewer in Steward's-rents, No. 21, his house was broke open the first of July, I had been out a washing all day very hard, I made the front door and back door fast, and I made up my window, and put the shutters too, I slept very fast having been hard at lab ur all day, I was but newly out of the country, in the morning I waked about four o'clock, and I found all my things stolen, and the very linen I had pulled off my back, and the things that I brought home to wash; they opened my window shutter, and opened the sash, they must climb over a wall to get in, I did not put up the bar, but they were fastened with a bolt, so that I could not have opened it on the outside.

What was it you lost?——The things mentioned in the indictment, they were in my room when I went to bed in the night, nobody else slept in the room, I bolted the door in the inside, and left the key on the outside, and they locked the door on the outside, so that I could not get out myself in the morning; part of the property Mr. Atkins has here, I do not know the prisoner.

THOMAS CROSBY *sworn.*

I belong to Sir Sampson's office; on the 2d of July, this woman came and said she was robbed, I went with her and received information concerning the prisoner, and I found him at the Bull and Mouth in Drury Lane, in a two pair of stairs back room, just getting out of bed, between eleven and twelve, he was not quite dressed, there was nothing about him but a white handkerchief about his neck, which my fellow servant took from his neck, which the prosecutrix said was hers.

JOHN ATKINS *sworn.*

I apprehended the prisoner, I took this handkerchief off his neck, the prosecutrix told me the marks before ever she saw it, No. 3, E. I. E. just at his room door I found this gown, it was just outside the door, I found this gown, and this apron, this pair of stockings, and this odd stocking.

(The things deposed to.)

FRANCIS WEBSTER *sworn.*

I live at the Bull and Mouth in Drury-Lane, my brother did keep the house, he has left it, the prisoner about half past three in the morning came and knocked at the door, at half past four I came down and opened the door, and the prisoner came in with that bundle tied up in a white handkerchief, what was in it I cannot say, and he drank two pints of beer, and he went to bed, he had lodged there two nights, I did not see what was in the bundle.

Court to Crosby and Atkins. When you found these things were they tied up?—— Yes, tied up in this handkerchief, but one of the stockings, I think to the best of my remembrance was out, the landlord indeed pointed out where we should go to.

PRISONER's DEFENCE.

On Thursday night, the 3d of July, I went up into Halfmoon-street, and I was drinking with an acquaintance, I laid in this house two nights, I went to get some supper, the house was shut up, I went up to my washer woman's, and asked her to let me sit up, for I was locked out, she let me in, and I staid there till between three and four in the morning, when I came out I asked the woman for a clean shirt, a pair of stockings, and a handkerchief, which she gave me, I brought them to the Bull and Mouth

Mouth, when I came in, I ſat down and drank two pints of beer; I gave the bundle to the landlord, I ſaid that was my own property, I went up to bed, and there were two other men laid in the room beſides me, they were in bed, I put my things atop of the table, and while I was aſleep they got up, and left me aſleep, I took my things out of the room; about ten ſomebody came up, and took me into the front room where two or three people lodged; Atkins came and ſearched the houſe, and in the garret, or upon the garret ſtairs, he brought the property down, tied up in a blue handkerchief, the proſecutrix ſwore it was hers, and I was committed for another hearing; while I was at New Priſon, ſhe came there, and aſked me to pay her for the loſs of the property, I told her I had no money, but if I had, ſooner than lay in gaol, I would pay her; I came up four times, and the woman did not recollect that was her handkerchief, but ſaid it was the fellow to the handkerchief that ſhe had loſt, and that ſhe had found the waiſtcoat in her room, that ſhe found the waiſtcoat and breeches and every thing that is in Court, then Juſtice Addington ſaid he could do nothing in it, and committed me for a hearing again.

Court to Mary Royle. Is that ſo, that you ſaid the handkerchief was not your property?—I did not.

Have you found the things again?——I have not.

Priſoner. I have witneſſes of what the woman ſaid, that Croſby had come down to her, and frightened her, and told her if ſhe would not ſwear againſt me, he would have her pillored, that there was forty pounds depending.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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793. JOSEPH MERCHANT was indicted for feloniouſly ſtealing, on the 23d day of July laſt, one ſilk cloak, value 30s. and one gauze cap, value 6d. the property of James Clarke.

SARAH CLARKE *ſworn.*

I am wife of James Clarke, I was at Mr. Heartley's, in Golden Square, with the houſe-keeper, and I loſt a ſilk cloak, and a cap from a drawer, which was in the firſt floor; I heard the priſoner coming down ſtairs, and I took him in the paſſage with the things upon him, between one and two; the door was left on the chain for the workmen in the back yard; I caught hold of him, and aſked him what he did up ſtairs, he ſaid he wanted the workmen, I told him they were backwards, I called for aſſiſtance, and Mr. Hill came and took the things from the priſoner, he was ſecured, he did not offer to go away, the workmen were in the paſſage, Mr. Hill came in a minute; Mr. Hill and me went up ſtairs, and we found all the drawers open, and I immediately called out ſtop him, for he has robbed me!

—— HILL *ſworn.*

On the 23d of July I came to aſſiſt in ſecuring the priſoner, and Mrs. Clarke and me went up ſtairs, and found the doors and the drawers open, and he pulled out the cloak from his breeches, and the gauze cap from out of his boſom, which he gave to me.

(Depoſed to.)

PRISONER's DEFENCE.

I am a plaiſterer, I was out of employ, and I ſaw this houſe repairing, and I went in to ſee for work, and this gentlewoman met me at the foot of the ſtairs, and aſked me who I wanted, I aſked for the plaiſterers, ſhe told me to ſtay in the paſſage till ſhe came down, and ſhe went up and brought down the cloak and cap in her hand.

Court. How came you by them about you?—I had them not about me.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

794. WILLIAM SIMMONS was indicted for feloniously ſtealing, on the 3d day of September, one linen ſhirt, value 1s. and one linen ſhift, value 1s. the property of Abraham Waterhouſe.

ABRAHAM WATERHOUSE *ſworn.*

I loſt the ſhirt and ſhift mentioned in the indictment, out of Mr. Beard's ſtone-yard, at Iſlington, between eight and nine, they were drying, I ſaw them there about half paſt eight, I know nothing of the robbery.

ROBERT OLDERSAW *ſworn.*

I produce a ſhirt and ſhift, I was coming by the end of Cumberland-row, and I ſaw the priſoner running by, I called ſtop thief! and I ſaw the priſoner take a ſhirt and ſhift out from under his coat, and throw them over ſome rails, and he got into a field about one hundred yards from this ſtone-yard, I purſued, and took him in about ten minutes, in a garden, and found the ſhirt and ſhift there.

(The ſhirt and ſhift depoſed to.)

Proſecutor. My wife ſays, there is a ſlit cut in the ſhift below the hem.

Another witneſs purſued and took the priſoner with Olderſhaw.

PRISONER's DEFENCE.

That man was along with this man, and he immediately cried out ſtop thief! I was coming along, and I found the things; I milk for a gentleman at Mr. Alleyne's: when they cried out ſtop thief, I was frightened, and chucked the things over a place.

GUILTY.

On the recommendation of the Jury, to be confined to hard labour ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

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795. JAMES MILLER was indicted for feloniouſly ſtealing, on the 18th day of July laſt, one man's hat, value 12s. the property of Chriſtopher Sayle.

CHRISTOPHER SAYLE *ſworn.*

Between the 15th and 20th of July I went into the cabbin, the lumpers had done work, and I ſaw a box broke open.

Mr. Garrow, Priſoner's Council. Captain, your ſhip was juſt arrived, I believe?—She had been arrived a good while from Jamaica.

How long was you in your outward bound voyage?—About nine months.

This box of hats was a part of the outward bound voyage?—Yes, they were merchants goods, ſhipped on board by merchants in Jamaica; I ſhould never have known what it contained, unleſs it was broke open.

How long had you been delivering your homeward bound cargo?—I cannot ſay exactly; I believe about five or ſix days.

How many lumpers might you have had on board?—I do not know.

You naturally enough I ſuppoſe came on ſhore as often as you could?—I was on 'Change every day.

What is the nature of your contract?—To deliver goods in the like good order I received them, unleſs I meet with damages by ſea; I carry the things to the keys, if I deliver any thing ſhort, I muſt pay for it.

Court. He is certainly anſwerable to pay for the delivery of the goods.

I was going to aſk whether the proprietor of the cargo does in fact ſend down a lighter for it?—No, the people where we land our goods, generally find lighters.

Do they do that at the expence of the owner, of the maſter, or of the proprietor?——I do not know.

Who pays the expence of carrying them from the ſhip to the Cuſtomhouſe?—The proprietor.

Where was the box?——On board the ſhip.

ANDREW FARRIER *ſworn*

I was ſecond mate of the ſhip, on the 18

18th of July, this man with three more were down in the gun deck clearing ſome coffee caſks to be put in the lighter, and I deſired him to be careful in moving them cheſts, I told him there were things in them that I knew not myſelf, and to be careful not to break them; immediately after that the caſks were all out of the place where we were clearing them from; the chief mate of the ſhip ſearched the reſt of the people, he paſſed this man, and imagined he found nothing upon him.

Where were they ſearched?—They were only felt upon deck as they came from below to ſee if they had got anything; Robert Parkinſon ſtopped the priſoner, and deſired he might be ſearched again, immediately the mate ſearched him and found a hat in the back part of his trowſers, and ſaw it taken from him, pulled out of his trowſers, I immediately looked at this cheſt and found it broke open, and ſome of the pap[illegible] of the hats laying about; he ſaid it was a hat that he had found in the cable tier, and that I had told him it belonged to a paſſenger.

Had you ſaid ſo?—No, I never ſaid ſo.

Mr. Garrow. You had the care of the delivery of this cargo?—Yes.

How many lumpers had you on board?—I cannot tell you poſitively the number of the whole, but there were four down with me.

Had you had any rough weather?—No, no rough weather.

Steady breezes out and back?—Yes, the cheſt was taken aboard at Kingſton, I remember bringing it with others in the long boat, we had but indifferent weather outwards.

Upon your oath was not it very like that this cheſt carried out and brought back, might not be broken in the carriage?—No, I verily think it could not, it ſtood in a ſteady place.

Did you know what it contained?—After I ſaw it broke open I knew.

So ſhould I, but before you ſaw it broke open you did not know any more than I did?—To be ſure I could not ſee through a deal board.

Has it always been cuſtomary to examine the lumpers as they come up, to ſee they have not embezzled the goods?—They all know that they ſhall be ſearched when they come up. The priſoner had been ſearched that ſame day, he had a coat on, or a jacket, I think it was a canvas frock; this box was whole in the morning, and the hat was found inſide his trowſers or breeches, I am not clear which; he had both on.

JOHN LAMB *ſworn.*

On the 18th of July about four in the afternoon, the priſoner was in the gun dock at work with ſome more lumpers, they were called on deck, and ſome of the witneſſes ſaw ſomething concealed in the priſoner's breeches, I aſked him what he had there, he ſaid nothing; I made him unbutton his trowſers, and I pulled a hat out that was concealed; we immediately went down to the gundock, and found the box broken, and ſeveral hats miſſing, and the paper that covered them ſtrewed about, and three more hats were concealed in different places; he ſaid he found it in the cable tier, and that he thought it belonged to ſome of the paſſengers.

PRISONER's DEFENCE.

I was at work on board this ſhip, and I found this hat ſtowed in between two cable tiers, I put it into my trowſers, to aſk the mate about it.

Priſoner to Lamb. Was not a hat found afterwards in a moulded ſtate, which muſt have laid among the cables for ſome time?—That was the next day.

Did it appear to have been in that place for ſome time paſt?—No, it was only the dirt.

Jury. When you firſt aſked him what he had in his breeches, what did he tell you?—He ſaid nothing then, the firſt time, then afterwards he acknowledged he had ſomething there which he before denied.

The

The prisoner called five witnesses who gave him a very good character.

Jury to Prosecutor. Does the invoice mention the number of hats?——I never saw the invoice.

Court to Prosecutor. Was that box carried out from here to Jamaica or not?——To the best of my recollection I think it was, but I cannot be sure, I am sure it came from Jamaica.

GUILTY.

To be whipped and confined six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. RECORDER.

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796. TERENCE TIMEY, otherwise TERRY was indicted for feloniously stealing on the 7th day of July last, three quarts of oil, value 18d. and one tin kettle, value 4s. the property of John Lucas and Christopher Spencer.

THOMAS TURNER *sworn.*

I am servant to the prosecutor, I lost a kettle and three quarts of oil, I was lamplighting, and I went to see a procession go by, and left the oil kettle in the street, as is usual, and on my return in about ten minutes I found the prisoner with the kettle in his right hand, and a large bladder in his left; I went up to him, he did not look about, but continued pouring the oil into the bladder; I took him by the collar, he let the kettle fall, and threw the bladder into what we call the boot of the kettle; he said d——n your eyes, and he struck me in the mouth, and made me bleed; he struck me several times more, and I secured him; he worked for my master.

Court. How far had the prisoner removed this tin kettle from the place where you left it?—Not above a foot, he had taken almost all the oil out when I came back.

JOHN CHARLES *sworn.*

I apprehended the prisoner.

PRISONER's DEFENCE.

I was coming down Dover-street, and the procession was going by, and I removed the ladder to get upon it, and he came and took me; he said I was going to steal his oil; I have been under confinement, and bad, seven weeks in Totlil-fields, of a fever; I have lost all my hair.

Turner. The procession did not go that way.

GUILTY, 10d.

Whipped.

Tried by the second Middlesex Jury before Mr. Justice GOULD.

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797. MARTIN STEPHENS was indicted for feloniously stealing on the 27th day of August last, ten pounds weight of beef, value 3s. two fowls, value 2s. two pounds weight of cheese, value 6d. and one rush basket, value 6d. the property of Michael Heathcote.

JOB COOPER *sworn.*

I am coachman to Mr. Cooper, who keeps the Newington-green stage, I set down my last passenger, and a young woman came and told me a man had taken a parcel out of my coach, I followed him and took the basket from him, it was Mr. Heathcote's basket.

HESTER PALMER *sworn.*

I live at Newington Green, I was sitting at my own door, and I saw the prisoner put his hand into the boot of the stage and take out a bundle, it was a rush basket I am sure of the prisoner, I never saw him before; he made off across the Green, I informed the coachman.

INNOCENT BEARD *sworn.*

I am servant to Mr. Heathcote, this is his basket, the coachman brought it to me about

about half after eight, there was in it an edge bone of beef, two fowls, and a piece of cheese.

PRISONER's DEFENCE.

I was going to Stamford-hill to meet some beasts, and a man employed me to carry the parcel.

The prisoner called one witness to his character.

GUILTY.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. ROSE.

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797. JAMES RILEY was indicted for burglariously and feloniously breaking and entering the dwelling-house of William Bowers, about the hour of nine in the night, on the 25th day of July last, with intent his goods then and there being, burglariously and feloniously to steal.

WILLIAM BOWERS *sworn.*

I live in Vere-street, Clare-market, on the 25th of July, about nine at night, I found a window belonging to my shop forced open, and I found the prisoner with his head and his arms inside my window; the window looked into Denzell-street, the back part of the shop; I did not see him doing any thing particular, any further than having his head and his arms within the shop; I did not miss any thing.

Was any thing removed out of its place?—I do not know that there was, I was on the outside; and I was informed there was a person at my window, and when I came I found him in the situation I have described; he did not seem to say any thing till after he got to the watch-house, then he shammed drunk a good deal.

Was he in liquor?——Yes, I believe he was, he appeared so at the watch-house.

BENJAMIN POWELL *sworn.*

On the 25th of July, about nine in the evening, I was coming down Denzell-street, and I saw the prisoner reaching in at the window, I came round, and spoke to Mr. Bowers, and he went round and caught him; I do not know whether he could have got in or no.

Had not he time to take any thing?——If there was any thing within his reach he might.

To Prosecutor. Was there any thing within his reach?—Yes; but I did not miss any thing.

How was your window fastened?—There is no regular fastening, the shutters were not put up, the sash was not fastened; it was pushed up by somebody; it was down a quarter or half an hour before; we do not open it once in a quarter of a year.

PRISONER's DEFENCE.

I came by this place very much in liquor; I do not know whether I was in the window or not, I guess I was leaning on it; I have not a friend in the world.

Was day-light gone?——I could see him perfectly well in the position he was by the remaining light of the day.

Court to Jury. Then, gentlemen, I will relieve you from the difficulty of considering this upon mere ground of intention.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

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808. THOMAS BROWNETT was indicted for feloniously stealing, on the 6th day of September, two leather bags, value 10d. the property of our Lord the King.

The Indictment opened by Mr. Knowles, and the Case by Mr. Fielding.

WILLIAM RICHARDSON *sworn.*

I am a sorter to the Post-office.

Do you remember being at the Post-office on the 6th of September?—Yes.

Do you know the little boy at the bar?—Yes.

Did you see him there?——Yes.

What time in the evening?—About six o'clock.

What was his buſineſs?——He uſed to bring up three bags from the Poſt-office, with letters in them.

From where?——From Wapping; the bags that he was to bring were Lambert's, Saunders's, and Allen's, there were two bags from each office, and a ſack that he brought them in, and the number of the letters, with the money on them.

Court. What is the name of the receiving office?——Mr. Allen of Wapping; at ſix I ſaw the boy there; he always brought three bags up every evening; he brought but one that evening in the room of three, I took and turned his bag out, and inſide were theſe two bags full of letters, and he delivered me one, which I opened, and took out the letters and the money from that one bag; I then aſked him where the other two were that he ſhould have brought with him, and he told me he had but that one.

Did it happen that you took from the boy what he bore?——Yes.

The boy gave you one bag inſtead of three?——Yes.

What did you do with that one bag?—I opened it, and took out the contents, and put his empty bags with the other empty bags; I then aſked him where his other two bags were that he ſhould have brought, and he ſaid he had no more.

What does that one bag from each office contain?—The letters that were not paid, and a poſt-paid bag, with a ſmall bag that is on the inſide, the money is in the inner bag of all.

What ought he to have delivered to you that night?—Three ſmall bags, with money and letters, that is, one from each office, the three larger bags were to have been delivered to the ſtampers of the office, not to me.

Court. The boy brings the ſack to the office, with three bags in them ſealed, theſe are firſt preſented to the Comptroller, who examines the ſeals, and in his preſence they are opened, then they are emptied of the letters which they contain, which are the letters not paid, and the other bags are taken out of them which contain the paid letters and the money; theſe bags ought to be brought to you, they are ſealed alſo?—It is my duty to ſee they are brought and ſealed, I receive the money and the paid letters.

The boy brought to you but one of thoſe bags?—No.

Which of the offices was that from?—I think it was from Lambert's.

Then he brought none from Allen's or Saunders's?—No, and he ſaid he had no more.

Upon that what did you do?—I ſearched his bags, the three larger bags, and kept him till Mr. Potts came to the office.

What did you find in theſe larger bags?——I found theſe two ſmall bags on the inſide of the large bags; the bags each contained letters and money; the money was three ſhillings and five pence; I gave them to our Comptroller; when I found them I kept the boy till the Comptroller came.

What did the boy ſay when you found them?——He told me if I would not ſpeak to Mr. Potts he would not do it any more; I aſked him what he meant to do with them, he ſaid he did not know; he had them then, he ſaid he would not take the bags any more if I would not tell the Comptroller of him.

Court. Have you any other witneſſes?—Only the maſter of the boy; the boy has acknowledged it to ſeveral other people.

Court. You ſee the chaſm.

JOSEPH HILL *ſworn.*

I am clerk to Mr. Partin, Solicitor of the Poſt-office; I attended him at Bow-ſtreet ſeveral times; laſt Saturday was a week I went to another man, who was apprehended as an accomplice to the priſoner, he charged the man with firſt perſuading him to rob the Poſt-office; there was no promiſe made to him a ſecond time; he went to the Poſt-office, brought the bag; this man, who was a ſeaman, cut the bag, and took the money out; the man denied it, but the boy confeſſed he ſtole the bag and the letters, and he did not pretend to deny at all that he had frequently done it for the ſake of the money.

Where

Where could he have taken theſe bags from?——From the table of the inland office, after he had emptied the bags he had an opportunity of taking the other bags.

Priſoner. I have nothing to ſay.

John Allen the priſoner's maſter, and another witneſs, gave the priſoner a good character.

Who finds the bags?—The Poſtmaſter-general.

GUILTY.

To be tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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799. HANNAH DART was indicted for feloniouſly ſtealing, on the 2d day of Auguſt laſt, three guineas, value 3l. 3s. and one half guinea, value 10s. 6d. four ſhillings in ſilver, and ten copper half-pence, value 5d. and one canvas purſe, value 1d. the property of Thomas Hartley.

THOMAS HARTLEY *ſworn.*

On the 3d of Auguſt, about half after ten at night, I had been out of town ſpending the day very near London Bridge, I ſtopped at St. Magnus's church; I was ſurrounded by three women, by St. Magnus's church about ten o'clock, and I miſſed my purſe from my breeches pocket, I immediately ſaid you have got my purſe, the priſoner at the bar ran away down Thames-ſtreet, and up a gateway or alley, ſhe got from me, I called out ſtop thief! under the gateway, and ſhe came and peeped out of the paſſage; a man ſaid to her what is the matter, you ſeem frightened, I then ſaw her peeping out of the gateway, the two watchmen took her, and ſhe dropped the purſe near the watch-houſe door, between me and the two watchmen, I heard a purſe drop near the watch-houſe door; the purſe contained ſix guineas, but I ſwore to only three and an half, and four ſhillings, which was found, the priſoner ſaid, I was drunk, and that I gave her the purſe, I was quite ſober.

Mr. Garrow, Counſel for the Proſecution. Was any promiſes made to her to confeſs?——No.

Mr. Peatt, Priſoner's Counſel. Which way was you going?—Home.

You was ſurrounded by three women?——Yes.

Which ſide was ſhe on?—On the right hand.

She ran away from you?—Yes.

How many minutes was ſhe gone?——About four or five.

She was playing bo-peep under the gateway?——She was peeping under the gateway.

You only ſwore to what money was picked up?—No.

You thought it moſt prudent ſo to do?—Yes.

ANDREW GAINES *ſworn.*

I am a watchman in coal-harbour.

Do you remember ſeeing the priſoner at the bar?—No, not till the gentleman called out watch! watch!

What did you hear or ſee?—My partner had got charge of the priſoner, there was ſome money dropped by the ale-houſe door, Walker and another had hold of the priſoner, Abrahams and another walked behind her; the firſt thing that I ſaw, was the gentleman having hold of the woman, there was ſome money dropped juſt at the ale-houſe door.

Where did it drop from?——Nobody could ſee.

What were you doing when it dropped?—Walking along.

What, arm in arm, or how elſe?—Arm in arm.

Who had hold of this woman?——Walker.

Did you hear the money drop?—No.

Did you ſee it picked up?——Yes.

What did it look like?—Like ſilver and gold, it was a little bag, I took the woman into the watch-houſe.

Was anything ſaid to her?—No.

CHARLES WALKER *ſworn.*

I am a watchman, my ſtand is by Allhallows

lows in Thames-ſtreet, on the 3d of Auguſt, I was in the watch-houſe, I ſaw the priſoner that night, I came out of the watch-houſe with two more, on the alarm of watch, watch! they were about twenty yards from the brew-houſe, when we went out that gentleman and this gentlewoman was together, I was juſt by her at the end of the paſſage, and as ſoon as he ſaw us, he ſaid, watchman, take her, ſhe has got my money, ſhe has picked my pocket; we took her to the watch-houſe, and going along I heard the rattling of money on the pavement; there was a purſe of money under my feet.

Where do you think that purſe of money dropped from?—I cannot tell.

Was anybody walking before you?——There were people walking before and behind, I do not know whether anything was ſaid.

Mr. Peatt. There were men and women?—Yes.

Mr. Garrow. Were there any women there my man?——I did not ſee any at that time.

Mr. Peatt. How did the proſecutor appear at that time, to be ſuber or a little mellow?—He was in liquor to be ſure.

Mr. Garrow. Did he appear as if he had been rolling in the ſtreet?—No.

Court. When you firſt came out of the watch-houſe, where did you ſee that gentleman, and the woman?—Both together, he had got hold of her in Allhallows-lane, cloſe by Allhallows church, juſt cloſe by the tap-houſe by the brew-houſe gates; nobody had taken up the priſoner except the gentleman and my partner.

JOHN WAINWRIGHT *ſworn.*

I was conſtable of the night, the proſecutor charged the priſoner, he was picking up his purſe and money, and theſe two men came up at the time, there were ſeveral people about.

Mr. Garrow. Were there any women about?——I do not know that I ſaw any woman after the money was picked up, I took her into the watch-houſe, and then to the Compter; ſhe ſaid, if they would look they would find the reſt of the money that was miſſing.

Mr. Garrow. Tell us exactly what ſhe ſaid?—I do not know particular what ſhe ſaid, he ſaid there was ſome money ſhort, and ſhe ſaid if they would go and look at the place where they were, they would find the reſt of the money ſhe did not doubt.

Did ſhe ſay anything what ſhe and Mr. Hartley had been doing together?——Nothing at all.

Did ſhe ſay anything about rolling in the ſtreet?—She ſaid, they had been together, and he had laid hold of her by the way of ſtopping her, and gave charge to the watchman of her.

Did ſhe deſcribe the manner in which Mr. Hartly loſt his money?——I do not know ſhe did, the gentleman was in liquor, he ſaid ſhe robbed him, and he felt her hand in his pocket, and the purſe he would ſwear to.

Was he dirty?——I did not ſee whether he was or no.

Was you preſent before the Lord Mayor?——Yes.

Court. Do you remember what account ſhe gave there?——She ſaid very little for herſelf.

Do tell us that little, it will be the leſs trouble to you?—I do not recollect.

It is your duty to tell us what paſſed?—I cannot particularly ſay what ſhe ſaid, I do not know what ſhe ſaid.

Do you remember nothing of it?—She made her defence.

What was her defence?——That ſhe knew nothing at all about the matter.

How long have you been a conſtable?—This is the ſecond year.

Mr. Peatt. If I underſtand you right, you do not take upon yourſelf to ſay whether there was, or was not, women in the mob that ſurrounded the priſoner and the proſecutor?——I am not ſure, he ſaid that was the woman that robbed him; ſhe offered to make up what money there was wanting, and pay the charges, ſhe offered that before the Lord Mayor and Aldermen.

Did

Did not ſhe appear to be extremely agitated?——No.

Was not there a wildneſs in her aſpect?—No, ſhe ſeemed very compoſed.

SAMUEL UNGLE *ſworn.*

I was in that neighbourhood between ten and eleven at night, on Tueſday the the 2d of Auguſt, I heard the cry of watch, watch! I immediately went out, and there I ſaw Mr. Hartley and the priſoner, he ſaid, he had loſt his purſe and money, they were taking her to the watch-houſe, after they had got three yards I heard the jingling of money, he ſaid, here is my money; there were three guineas and a half, four ſhillings, and ſome halfpence; and the gentleman ſaid, this my purſe, I will ſwear to it; I went to the watch-houſe, but not while ſhe was there, I attended before the Lord Mayor, I do not recollect anything that paſſed from her about it.

In what way were they walking when you heard the money drop?—The woman was in cuſtody of the two watchmen.

Were they walking ſeparate?——There was about a dozen people altogether.

Where did the money drop from?——I cannot tell.

Were there any women in that croud?—There were none in the croud, there were women neighbours that ran out of doors.

Mr. Peatt. Were there women near the ſpot?—Yes.

How near might theſe be?—Within a couple of yards.

Can you take upon you preremptorily to ſay, that there was not another woman in the croud?—I know two, I ſaw two, I do not remember ſeeing any more.

Mr. Garrow. From the place where the money was picked up, and the ſituation where theſe neighbours ſtood, can you tell us whether any of them dropped any money?—I cannot ſay.

Court. How far was Mr. Hartley from the woman, at the time you heard the money drop?—He deſired them to take care, he ſaid, he knew the woman would drop it, and before he had well ſaid ſo, I heard the ſound of money, Mr. Hartly was in liquor, I ſaw the purſe picked up, it is the ſame purſe.

Mr. Peatt. How do you know it is the ſame purſe?——It is the ſame.

Proſecutor. This is the purſe and the money, when I came in, the woman came in and dropped, and begged for mercy, and offered me twenty pounds, I ſaid, no money ſhould induce me.

Court. What do you know this purſe by?—I have no doubt upon the view of it.

PRISONER's DEFENCE.

I was going home, that man knocked me down, and fell atop of me; I got from him, I was affraid he would uſe me ill.

(The witneſſes for the priſoner examined ſeparate.)

JOHN MEADOWS *ſworn.*

I believe you are an apothecary of St. Luke's hoſpital?——Yes.

Tell the Court anything you know reſpecting the priſoner at any time?—The priſoner was admitted a patient at our hoſpital, on the 8th of January, 1779, ſhe remained there upwards of a twelvemonth, ſhe was inſane the whole time, ſhe was diſcharged the 14th of January, 1780; incurable.

JOHN JONES *ſworn.*

I live at St. Luke's hoſpital.

Do you recollect or know anything concerning the priſoner?—I have known her ſome years, ſhe was there upwards of a year, ſhe was inſane all the time, I dare ſay; ſhe was diſcharged uncured, I have ſeen her divers times, I have ſeen her ſometimes when ſhe appeared to be as bad or worſe; that is above two years age.

Mr. Garrow. When you ſay uncured do you mean incurable?——Yes.

Court to Meadows. When they have been a year, you pronounce them uncured, you do not then pronounce that they are incurable.

Mr. Peatt. I believe, Sir, they mean incurable oftener than uncured? —— She now ſtands on the liſt of incurables to be admitted.

Mr. Garrow. Do not you turn them out ſometimes for a day or two in order to comply with the practice?—Never, Sir.

GUILTY.

She was humbly recommended to mercy by the Proſecutor and Jury.

To be privately whipped, and impriſoned ſix months in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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800. THOMAS BLACKHALL and WILLIAM GRAY were indicted for feloniouſly breaking and entering the dwelling houſe of Elizabeth Abbot, about the hour of eight in the afternoon, the ſaid Elizabeth Abbot being therein, and feloniouſly ſtealing therein two pillows, value 10s. two blankets, value 12s. and three yards of printed cotton, value 12s. the property of the ſaid Elizabeth.

ELIZABETH ABBOT *ſworn.*

I live in little Trinity, Minories, my ſaſh was drawn a little way down from the top, and a large green blind put in the window, when the alarm was given, I went up ſtairs and found my bed ſtripped of the things mentioned in the indictment, I went into the room at eight o'clock, and found every thing right.

Did you obſerve your houſe was broke open any how; did you find any door or window broke?—No.

GEORGE ROBINSON *ſworn.*

I was going down the little Minories with one John Tidy, about the 16th of Auguſt, nigh on nine o'clock, and when we came to turn into Heydon-ſquare there was a cry of thieves different times, I ran and ſtepped into the middle of the road, I ſaw two men ruſhing out, to the beſt of my knowledge they ruſhed out of the ſquare near to where ſhe lives, one of them, Gray, had a bundle with a light coloured great coat, I could not perceive Blackhall had any bundle; Tidy attempted to take Gray, he ſtruck Tidy over his noſe, and cut open his noſe, I purſued him, and the two priſoners ran one after the other, crying ſtop thief, ſtop thief, as hard as they could, Blackhall fell in the Kennell, I left him in the kennel and purſued Gray, I never ſaw him any longer; Gray dropped a bundle when he ſtruck Tidy.

Mr. Garrow, Priſoner's Counſel. How far had Gray run?—It might be upwards, not much more than an hundred yards, through a long alley leading into Manſel-ſtreet, I never loſt ſight of him; I was cloſe to him almoſt, the alley was not dark, but I was afraid.

Did you loſe ſight of him?—I never loſt ſight of him till I caught him.

Had he any unlawful weapon of any ſort?—I do not know.

Was he ſearched?——I did not ſearch him, nor I was not preſent when he was ſearched.

JOHN VINCENT *ſworn.*

I purſued Blackhall as ſoon as the alarm was given, I had full ſight of him, and purſued him cloſe, and when he juſt veered round to the left, he fell down, then he kept cloſe to the right, and went round the great ſquare about forty yards further, where I followed him; I did not ſee any thing with him, I never loſt ſight of him from the time I began the purſuit.

Mr. Garrow. Had he any bundle?—I never ſaw any, he was ſearched, I do not remember anything was found upon him.

Mrs. VINCENT *ſworn.*

On the 16th of Auguſt I was going down the little Minories to fetch ſome beer, and as I came out of my houſe, I ſaw two men ſtanding at the bottom of my neighbour's door, oppoſite to the door, and that young man in the white waiſtcoat on the ledge over the door; that young man Blackhall wa

was in Mrs. Abbot's room, the day was withdrawn about an hour, a candle had been lighted, if you recollect the time past, it was a beautiful, moon-light night, and in the middle of the square, which is a very small square, there is a lamp which gives a great light, the lamp is fixed on a high post, and Mrs. Abbot's house is opposite to the lamp, her house is to the right hand of my house; seeing them, I gave the alarm of thieves very loud, with that the man at the bottom ran off immediately; Gray, when I called out thieves, looked very violent round at me, I thought he meant to run at me, but he jumped off the ledge which is what shelters the door, Blackhall made what way he could out of the room, he put his right leg out upon this ledge, I saw him get out, my eye never went off the window till he came out; he tumbled out, he had a dark waistcoat, and atop of it he had a nankeen jacket with long sleeves, and no hat on; there was so much light I could plainly distinguish anybody in the square; I have no doubt of their being the very men distinctly.

Mr. Garrow. You gave the alarm as soon as you came out of doors?—I take it from the first of my calling out to the time they were off, it could not be above half a minute.

Did I understand you right, that lamp stands in the middle of the square, opposite to Mrs. Abbot's house?—This lamp stands in the middle of the square, opposite to my door, and her door being on the other side it stands just opposite to it.

Then the lamp was between you and the persons?—No, Sir, the lamp is about a yard further from my house than her house is.

You were a great deal frightened?—Yes, I was indeed.

How long was it before anybody was brought back to you?—I apprehend about five minutes, but seven minutes was the outside, it could not be above eighty yards; I never saw the men before; I could not be so particular to the two men that stood at the door; I did not see perfectly what it was Gray had, but it was something rolled up under his arm.

Was there a light in the room?—It seemed so to me.

What did Gray's bundle contain?—A counterpane, which was all over blood, by knocking a man down.

JOHN TIDY *sworn.*

I took Gray by the left breast with my left hand, and I said you villain, what have you been about here; and he made a stroke at me, I cannot say with what, he had a bundle under his right arm, he knocked my hat off, it staggered me so much that my senses really went from me, for a minute or two, I took the bundle as he dropped it at my feet; he cut me over the nose, I have been forced to have a doctor since.

(The bundle produced and deposed to.)

Tidy. My Lord, this is the counterpane, and here is my blood upon it you see.

PRISONER GRAY's DEFENCE.

I was going to the leather cutters, and a man laid hold of me, I never saw any thing of the affair before.

PRISONER BLACKHALL's DEFENCE.

As I was coming through the square I was knocked down and taken.

The prisoner Blackhall called eight witnesses who gave him a good character.

The prisoner Gray called eleven witnesses who gave him a good character.

THOMAS BLACKHALL GUILTY
Of stealing, but not of the burglary.

Transported for seven years.

WILLIAM GRAY, GUILTY
Of stealing, but not of the burglary.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

801. WIL-

BOX. WILLIAM BEAR and WILLIAM DAVIS were indicted for feloniously ſtealing, on the 4th day of September, thirty-one deal boards, each containing in length twelve feet, value 4l. the property of Richard Remnant, in a certain barge on the navigable river of Thames.

(The witneſſes examined apart at the requeſt of Mr. Garrow, Priſoner's Counſel.)

(The caſe opened by Mr. Fielding.)

LEONARD PHILLIPS *ſworn.*

My wharf is in Scotland-yard; on the 4th of September laſt ſome barges were moored at my wharf, one of them was loaded with deals belonging to Mr. Remnant on the 4th of September, between the hours of two and three in the morning, I heard a noiſe of the moving of deals, I got out, it was rather duſk, I could not ſee very well, I ſaw ſomething moving on the barge taking off the deals, and putting them into a barge, and I well knew, tho' I did not go down, where they put them; I remained in bed ſome ſhort time, and I heard them at work ſo rapid and ſo loud as if they had purchaſed the deals, and were delivering them as bought; at ſix in the morning I looked from my window, and I ſaw there had been a great removal of deals from the barges; it was very perceptible, it had rained the night before, and thoſe that remained were of a particular complection then, than they were the night before; I then applied to my people, and told them, that there were a quantity of deals gone from each barge, and I believed the number could be aſcertained; I told one barge, and told them to be twe y even or twenty-eight, but it proved t. be thirty-one; the other I told to be ſev teen, and there proved to be nineteen; I then thought it was too large a quantity to be permitted to be loſt, I was at to great a certainty who had taken them away, that I purſued the barge; I went to Northfleet, we did not find the barge there; I knew the barge perfectly well, and the priſoner worked the barge, the next morning I diſpatched my ſon to find the barge; I ſent down for the deals, and they are the very ſame deals that were ſtolen off the two barges; the barge out of which the deals were ſtolen was the property of Mr. Remnant.

Mr. Garrow Priſoner's Counſel. What is your profeſſion?—I am a coal merchant and wharfinger, I was at my wharf, theſe barges were moored; I have known the priſoner Bear for ſome time, and knew his barge had delivered a freight of lime at the next wharf, there is nothing parts it but a row of pailing, this was a large bulk of deals.

Did Bear know you?—Yes.

He muſt know that your ſituation was near to this noiſe?——Yes.

You looked out, but you could not ſufficiently obſerve, who the perſons were that were making a noiſe?——Yes, I did.

Do you happen to know the apprentice Hyſer;——I did not know him before.

Court. What is Davis?—He works in barges, he worked under Bear.

RICHARD PHILLIPS *ſworn.*

I am ſon to Mr. Leonard Phillips, I remember going down the river by myſelf, I got down to Purfleet, where Bear's barge was loading with lime, I ſaw no ſigns of the deals all about the place; I went down to Northfleet, and upon the ballaſt walk there, I found fifty deals.

Did you find any perſon who claimed thoſe deals?——Mr. Green, a carpenter at Northfleet.

Did you communicate to him, that the deals had been taken from your wharf?—I did, after he acknowledged that he bought them of the priſoner Bear.

Could you ſpeak with any certainty as to the deals ſo loſt at your wharf?—When I ſaw the deals, I knew them to be like the deals that were in our wharf.

Then you ſpeak to the likeneſs?—Yes, I brought them up, and immediately upon their arrival, they were ſhewn to Mr. Remnant, and to Mr. Jameſon; I left Northfleet at eleven o'clock, and returned at two, and communicated it to my father.

JOHN

JOHN GREEN *sworn.*

I live at Northfleet.

Do you know either of the prisoners?—I know William Bear.

Do you remember his coming to you, about the 4th or 5th of September?—He told me he knew a person that had some battens to sell, and he came honestly by them, and he would sell them cheap; battens are six or seven inches wide, and deals about ten inches; I was going to purchase them if I could get the money, he told me he had fifty of them.

Did he bring them to you?—I did not see them, he told me he gave fourteen pence a piece for them, and he must charge me eighteen pence, and if that was too much, when he came down again he would settle the difference; he came between nine and ten on Sunday morning, I was going to church, they were then on board a barge, he said that he had them, he did not say any particular place where.

Did he say that he had them in a barge?—I do not remember, I believe he said he had them in the barge: on Sunday after service in the afternoon, I walked down to see where these battens were, and when I saw them, I saw they were deals and not battens, and therefore I never put my fingers upon them.

Mr. Garrow. You had a conversation with a man about battens, where they were God knows, and you gave him some money for some battens as you was going to church?—Yes.

Court. When you went down in the afternoon after church, and you found they were deals and not battens, were either of the prisoners with you?——No, my Lord, the barge was gone.

Mr Garrow. They might have dropped out of a balloon for what you know.

——— BAKER *sworn.*

I am servant to Mr. Green, I work for him at times, I know one of the prisoners, that is Bear.

When did you see him?—On the 5th of September, he was on the wharf, and he handed them up, the wharf was at Northfleet, and I piled the deals up.

Where did the deals come from?—Out of a barge.

Out of his barge?——That gentleman, the prisoner, gave us some beer for it.

How many deals did you take out?—I cannot say directly.

Where did you put them?—I laid them on the bank.

Describe the wharf?—I put them close by the side of the wharf.

Who was with Bear at that time?——There was a boy, I should know him again.

Court. Do you recollect young Mr. Phillips's coming down, and claiming these deals, and carrying them away with him?——No.

Mr. Fielding. Did you see any more of the deals after this?—No.

Do you know who took them away?—I do not.

Do you know Mr. Green?——Yes.

Did he come for these deals?——No.

Mr. Garrow. Once on a time you looked out some deals and piled them?——Yes.

Whose barge they came from you cannot tell?——They came out of a barge.

Court to Green. When was this honesty?——I cannot tell you.

So you know nothing of it?—No faith.

Did you know Bear?——No, we might be half an hour unloading, we did not hurry ourselves.

It was between eleven and twelve in the day time, and you piled them in the front of the wharf, how long do you think that is ago?—About a fortnight or three weeks.

Is that the boy that is there?——Yes.

JOHN HYSER *sworn.*

Mr. Garrow. Stand up little honesty.

Mr. Fielding. Now you will speak the truth, and nothing but the truth?——On the Sunday morning pretty nigh two, John Oakley, he came on board, and called my master out of the cabin, my master is William Bear, we turned out upon deck, I

turned out firſt, and my maſter aſked me if it was high water, then we laid along ſide of this here ſaid barge, and he jumped along ſide, and he began to handle the deals off the deal barge into ours.

What did your maſter do?——He took hold of them.

Who elſe was there?—William Davis, the other priſoner, and me.

Did he do any thing to theſe deals?——Yes.

How many deals did you take out of Mr. Remnant's barge?—Both of them.

You took out of two barges?—Yes.

How many did you take out of both of them?—Fifty.

Where did you go?——We went away about a quarter after three, down to North-fleet, Bear and Davis went with us, when we got there, my maſter went on ſhore, he was on ſhore about three quarters of an hour, and after he returned, theſe two men came down and aſſiſted us to get the deals out; the deals was put on the walk, there was no other pile of deals there, and there we piled the fifty; Davis was down in the hole, and handed them up, Bear he ſtood upon deck.

Now young man, upon your oath, is it all true that you have told the Court?——Nothing but the truth.

Mr. Garrow. What is it that my friend is afraid of, that you will not tell the truth, why you are an honeſt lad, and came to ſpeak the truth?—Yes.

Where did you come from this morning?—From Tothill-fields.

Tothill-fields! what have you lodgings there?—No, I am in cuſtody.

Oh! in cuſtody! that was what made my friend ſo fearful, why what are you in cuſtody for my man? ſpeak out, don't be baſhful?—Sir.

Is it upon account of this affair?——I ſuppoſe ſo Sir.

What ſome-body was wicked enough to ſuppoſe you ſtole them?——*(No anſwer.)*

Why you could ſpeak faſt enough juſt now, now you are as mute as a mackarel, now I am come to ſpeak to you, why don't you ſpeak out, did not ſomebody take you up about theſe deals?—Yes Sir.

Come let us have it, then you told this ſtory about maſter?——I told on Tueſday morning.

Did you intend to tell?—No.

How long had you been in your maſter's ſervice the laſt time?—This is only the ſecond voyage.

How long did you live with him before?—Not two years.

What did he turn you away for, don't be aſhamed?—He did not turn me away.

Now I aſk you upon your oath, (God knows you don't mind that) did not he turn you away?—I went away, they did not take me up, and he wanted to perſuade me from going to ſea.

As the only way of preventing you from being hanged; now whoſe flitch of bacon was it you ſtole?—I never ſtole any bacon.

How long was you abſent from your maſter's ſervice?—I cannot tell rightly.

Was it a year, or half a year, a month or ſix weeks?—It was almoſt half a year, I worked in Mr. Man's craft at Chelſea, I was in the craft twice.

Now tell me one honeſt day's work, that you did for any human being in that ſix months?——I never took any thing from any body while I was there, I ſhould have been there now if my maſter had not fell out with him.

Can you ſtate the name of any human being, that you have done one honeſt day's work for theſe ſix months.

Mr. Fielding to Hyſer. Why do not you anſwer my friend by aſking him the ſame queſtion?

Mr. Garrow to Mr. Fielding. I have had many briefs of yours during that time.

Court. What was you to have for this?—I did not know I was to have any thing, I dare ſay they would give me ſomething.

Do you know what Davies was to have for it?——I do not know.

Did Davies and you know that theſe deals were to be moved before you were called up that night?——I did not know, and I dare ſay Davies did not.

Upon

Upon your oath, did you or did you not know that these deals did not belong to your master, that he had not bought them, or was not employed to carry them away, but that you were doing a wrong thing? — Yes, Sir, I have owned that there.

Mr. Fielding to Remnant. Are you able to speak with any precision to the property? —— The deals that were returned were the same sort that were in the barge.

Only the same sort; can you say you believe they were the same? — We know them to be the same sort by the marks at the ends of them; they bore the same marks at the ends that the remaining ones bore.

Court. And did the numbers tally? — The numbers that we were short were thirty-seven, but there were only thirty-one returned.

Mr. Garrow. You have said very fairly that you believe these to be the same sort of deals? —— Yes.

Were they narrow deals? —— Yes, two and a half Frederick stand; there were upwards of five thousand in one ship; I did not take the whole of the cargo; they were distributed among half a dozen or eight people; they are marked with red chalk, or red paint; I never saw them marked in England; they are marked in the country where they are cut.

Then the whole five thousand had the same mark as these? — I believe they had.

So that the deals, for any thing you know, may be the property of of somebody else of the same cargo? —— It is possible they may.

Where do you live? — In Saint Giles's, High-street.

WILLIAM PHELPS *sworn.*

I am a bargemaster at Fulham; I have known the prisoner Bear twenty-five years, he is a lightermany, and has a very good character; I have employed him; he always behaved honest, and I have trusted him.

MARY BURGE *sworn.*

I live at Limehouse; I have known him between three and four years; I always thought him a perfect honest man; I have intrusted him with a great many things of value, such as money, linen, plate, and jewels, he always delivered every thing very honest so far as between two and three hundred pounds.

CHARLES CHATFELD *sworn.*

I live at Limehouse; the prisoner has worked under me; I am employed for Mr. Birch; he behaved very honest; I sent down money by him to pay the people twenty or thirty pounds at a time.

Do you know Hyser? —— I was always very suspicious of him when he was with the prisoner; he was turned away when he was with Bear for theft.

Phelps. With respect to the boy, he robbed my craft of two shirts and two pair of stockings; he has a very bad character.

The prisoner Bear called six more witnesses, who all gave him a very good character.

The Prisoner Davies called two witnesses to his character.

WILLIAM BEAR, GUILTY, *Death.*
WILLIAM DAVIS, NOT GUILTY.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

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802. The said WILLIAM DAVIS was again indicted for feloniously stealing, on the 4th of September, 19 deal boards, each containing in length 12 feet, value 38s. the property of Thomas Pearce and Geo. Jameson.

There was no evidence given.

NOT GUILTY.

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803. JOHN DIXON was indicted for feloniously stealing, on the 12th day of July last, one silk handkerchief, value 1s. the property of James Thomberg.

The Prosecutor caught the prisoner in Grace-church-street, with the handkerchief in his hand.

GUILTY, 10*d.*

Transported for seven years.

Tried by the first London Jury before Mr. Baron HOTHAM.

807. JOHN

turned out firſt, and my maſter aſked me if it was high water, then we laid along ſide of this here ſaid barge, and he jumped along ſide, and he began to handle the deals off the deal barge into ours.

What did your maſter do?——He took hold of them.

Who elſe was there?—William Davis, the other priſoner, and me.

Did he do any thing to theſe deals?——Yes.

How many deals did you take out of Mr. Remnant's barge?—Both of them.

You took out of two barges?—Yes.

How many did you take out of both of them?—Fifty.

Where did you go?——We went away about a quarter after three, down to North-fleet, Bear and Davis went with us, when we got there, my maſter went on ſhore, he was on ſhore about three quarters of an hour, and after he returned, theſe two men came down and aſſiſted us to get the deals out; the deals was put on the walk, there was no other pile of deals there, and there we piled the fifty; Davis was down in the hole, and handed them up, Bear he ſtood upon deck.

Now young man, upon your oath, is it all true that you have told the Court?——Nothing but the truth.

Mr. Garrow. What is it that my friend is afraid of, that you will not tell the truth, why you are an honeſt lad, and came to ſpeak the truth?—Yes.

Where did you come from this morning?—From Tothill-fields.

Tothill-fields! what have you lodgings there?—No, I am in cuſtody.

Oh! in cuſtody! that was what made my friend ſo fearful, why what are you in cuſtody for my man? ſpeak out, don't be baſhful?—Sir.

Is it upon account of this affair?——I ſuppoſe ſo Sir.

What ſome-body was wicked enough to ſuppoſe you ſtole them?——*(No anſwer.)*

Why you could ſpeak faſt enough juſt now, now you are as mute as a mackarel, now I am come to ſpeak to you, why don't you ſpeak out, did not ſomebody take you up about theſe deals?—Yes Sir.

Come let us have it, then you told this ſtory about maſter?——I told on Tueſday morning.

Did you intend to tell?—No.

How long had you been in your maſter's ſervice the laſt time?—This is only the ſecond voyage.

How long did you live with him before?—Not two years.

What did he turn you away for, don't be aſhamed?—He did not turn me away.

Now I aſk you upon your oath, (God knows you don't mind that) did not he turn you away?—I went away, they did not take me up, and he wanted to perſuade me from going to ſea.

As the only way of preventing you from being hanged: now whoſe ſtitch of bacon was it you ſtole?—I never ſtole any bacon.

How long was you abſent from your maſter's ſervice?—I cannot tell rightly.

Was it a year, or half a year, a month or ſix weeks?—It was almoſt half a year, I worked in Mr. Man's craft at Cheſea, I was in the craft twice.

Now tell me one honeſt day's work, that you did for any human being in that ſix months?——I never took any thing from any body while I was there, I ſhould have been there now if my maſter had not fell out with him.

Can you ſtate the name of any human being, that you have done one honeſt day's work for theſe ſix months.

Mr. Fielding to Hyſer. Why do not you anſwer my friend by aſking him the ſame queſtion?

Mr. Garrow to Mr. Fielding. I have had many briefs of yours during that time.

Court. What was you to have for this?—I did not know I was to have any thing, I dare ſay they would give me ſomething.

Do you know what Davies was to have for it?——I do not know.

Did Davies and you know that theſe deals were to be moved before you were called up that night?——I did not know, and I dare ſay Davies did not.

Upon

Upon your oath, did you or did you not know that these deals did not belong to your master, that he had not bought them, or was not employed to carry them away, but that you were doing a wrong thing? — Yes, Sir, I have owned that there.

Mr. Fielding to Remmet. Are you able to speak with any precision to the property?——The deals that were returned were the same sort that were in the barge.

Only the same sort; can you say you believe they were the same?—We know them to be the same sort by the marks at the ends of them; they bore the same marks at the ends that the remaining ones bore.

Court. And did the numbers tally?—The numbers that we were short were thirty-seven, but there were only thirty-one returned.

Mr. Garrow. You have said very fairly that you believe these to be the same sort of deals?——Yes.

Were they narrow deals?——Yes, two and a half Frederick stand; there were upwards of five thousand in one ship; I did not take the whole of the cargo; they were distributed among half a dozen or eight people; they are marked with red chalk, or red paint; I never saw them marked in England; they are marked in the country where they are cut.

Then the whole five thousand had the same mark as these?—I believe they had.

So that the deals, for any thing you know, may be the property of of somebody else of the same cargo?——It is possible they may.

Where do you live?—In Saint Giles's, High-street.

WILLIAM PHELPS *sworn.*

I am a bargemaster at Fulham; I have known the prisoner Bear twenty-five years, he is a lightermam, and has a very good character; I have employed him; he always behaved honest, and I have trusted him.

MARY BURGE *sworn.*

I live at Limehouse; I have known him between three and four years; I always thought him a perfect honest man; I have intrusted him with a great many things of value, such as money, linen, plate, and jewels, he always delivered every thing very honest so far as between two and three hundred pounds.

CHARLES CHATFELD *sworn.*

I live at Limehouse; the prisoner has worked under me; I am employed for Mr. Bireb; he behaved very honest; I sent down money by him to pay the people twenty or thirty pounds at a time.

Do you know Hyser?——I was always very suspicious of him when he was with the prisoner; he was turned away when he was with Bear for theft.

Phelps. With respect to the boy, he robbed my craft of two shirts and two pair of stockings; he has a very bad character.

The prisoner Bear called six more witnesses, who all gave him a very good character.

The Prisoner Davies called two witnesses to his character.

WILLIAM BEAR, GUILTY, *Death.*
WILLIAM DAVIS, NOT GUILTY.

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There was no evidence given.

NOT GUILTY.

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The Prosecutor caught the prisoner in Grace-church-street, with the handkerchief in his hand.

GUILTY, 10*d.*

Transported for seven years.

Tried by the first London Jury before Mr. Baron HOTHAM.

807. JOHN

803. JOHN NEALE was indicted for feloniously ſtealing, on the 5th day of Auguſt laſt, two fowls, value 2s. the property of John Hubbard.

BETTY HUBBARD *ſworn.*

I am wife of John Hubbard, No. 9, Turnſtreet, Hundy-line Market; I loſt two dead fowls on the 5th of Auguſt, at half an hour after nine at night; they hung in the ſhop-window; the man that took them, as he looked through the glaſs, looked like a black man; I ſaw him through the window of the kitchen; I told Mr. Hubbard, and he ran, and cried ſtop thief.

Was the priſoner the man that took the things?——That was the man that the boy brought back in five minutes, and ſaid dropped the fowls.

JOHN COFFE *ſworn.*

I live with with Mr. Hubbard; I ſaw my maſter come out, and I made after the priſoner, and he dropped the fowls; I brought him back; I brought the fowls home; he was all over ſoot.

PRISONER's DEFENCE.

I had been at the fire in Aldermanbury, and I was coming to oil a jack; the young man ſaid, I had dropped the fowls; I ſaid, if ſo, you will ſee the mark of my black hand; I went with them gently, as an innocent man would do; if I had been given to thieving I had no occaſion to ſteal two fowls; I leave it to your Lordſhip's generoſity.

GUILTY.

To be confined ſix months in the Houſe of Correction.

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804. JAMES HORTON was indicted for feloniouſly ſtealing, on the 15th day of September, one linen handkerchief, value 10d. the property of Francis Skinner.

FRANCIS SKINNER *ſworn.*

I loſt my handkerchief on Tueſday laſt at Saint Andrew's church, Holborn, a little before two; I did not know who took it; this is the handkerchief; there was a crowd.

ALEXANDER SCOTT *ſworn.*

A little before two laſt Thurſday in the afternoon, I was ſtanding at the gate of St. Andrew's door; I ſaw the boy next the priſoner and another at this gentleman's pocket; and I ſaw the priſoner when he ſaw me, throw this handkerchief in the mud; I am ſure he picks forty forty handkerchiefs in a week.——

PRISONER's DEFENCE.

I was going of an errand for my mother, I was never near the gentleman's pocket.

How old are you?——About ſix.

Who employs you to do this?——Nobody; I go out with a baſket with greens and turnips along with my father.

GUILTY.

Tried by the firſt London Jury before Mr. Baron HOTHAM.

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805. SAMUEL POOLE was indicted for feloniouſly ſtealing, on the 25th day of Auguſt laſt, 40lb. weight of lead, value 2s. belonging to Joſeph Braine, and then and there affixed to a certain building of his, againſt the ſtatute.

JAMES CROXHAM *ſworn.*

Between eight and nine the 25th of Auguſt, I was on the watch, I thought I heard ſomebody at the bottom of the ladder; I ſaw the priſoner with the lead under his arm; it was dark, I could not ſee him before I took him at the foot of the ladder; ſays I, what have you here, ſays he, a bit of ſomething I am going to lay down.

THOMAS BRAINE, Jun. *ſworn.*

This was our lead; it was tore off entirely.

Priſoner. I picked it up at the foot of the ladder.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Published by Authority.

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

806. JOHN FARMER was indicted for ſtealing, on the 9th day of September, one woman's cloth cloak, value 5s. and one tea ſpoon, value 12d. the property of John Cliſton.

NICHOLAS KEATING *ſworn.*

I was in Stepney church-yard, and one Naſh, a little boy, called to me, Maſter, maſter, here is a thief, and upon the graſs I found a ſilver ſpoon, where the priſoner and Naſh were ſcuffling together; I carried the ſpoon to Mrs. Clifton; ſhe owned it.

WILLIAM NASH *ſworn.*

I am turned of fifteen; this was a holiday, and we went a blackberrying to Epping Foreſt, and I ſaw the priſoner and another young man come out of the proſecutor's houſe, which is in Whitehorſe-ſtreet, Stepney, and he brought ſomething out of the houſe, which appeared afterwards to be a cloak, and he wrapped it up, and put it under his arm; then he ran on a little ahead, and there were two more young fellows, and I ſaw the talleſt of the fellows beckon to him, then I thought they were after no good by that means, I followed them, and when they came to Stepney church-yard, going to the World's End, he dropped the cloak; I ſaw him drop it; I am ſure it was him that dropped it; and one of the boys ſaid, whoſe cloak is this, ſays the priſoner, it may be yours for anything I know, ſo then I caught hold of him, and called to this man; I did not ſee the tea ſpoon picked up.

William Smith. I am going in fifteen.

Court. Do you know the nature of an oath?—No, Sir.

Do you know what the conſequence will be if you ſpeak falſe?——If I tell a lie I ſhall go to the devil.

WILLIAM SMITH *ſworn.*

I was with Naſh, and I ſaw the cloak among ſome ſtinging nettles, I carried it to the woman's houſe, and ſhe owned it; I knew her, and I knew her cloak.

Naſh. I ſaw the priſoner drop the cloak.

James Terry. I am 14 next October.

Do you know the nature of an oath?—Yes.

What will happen to you if you do not ſpeak the truth?—— I ſhall go where all the naughty children go. Me, William Smith, and William Naſh, were going to take a walk to Epping Foreſt, and Naſh ſaid, there is a boy and a young man with him, he has got ſomething, and I ſaw him have the cloak under his arm, and drop it.

Was it the ſame cloak that Smith picked up?—Yes.

(The things depoſed to.)

PRI-

PRISONER's DEFENCE.

I was going to my aunt's in Stepney church-yard, and the boy came to me, and challenged me with the cloak; it was laid among ſome ſtinging nettles, I ſaid I knew nothing of it.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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807. MARY JACKSON was indicted for feloniouſly ſtealing on the 26th day of Auguſt laſt, two men's velveret waiſtcoats, value 14s. and ſix boy's waiſtcoats, value 20s. the property of Samuel Cliſton.

Suſannah Cliſton and Elizabeth Robinſon called on their recognizances, and not appearing the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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808. THOMAS HEFFORD was indicted for feloniouſly ſtealing on the 9th day of July one ſtone garnet ring ſet in gold, value 5s. and nine guineas, value 9l. 9s. in monies numbered, the property of William Carleton.

William Carleton the Proſecutor called on his recognizance, but not appearing the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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809. SIMON GRIFFIN was indicted for feloniouſly ſtealing on the 7th day of July laſt, one linen tent bedſtead, value 30s. the property of a perſon unknown.

JOSEPH STOKER *ſworn.*

On Thurſday the 7th of July I went to call the priſoner to ſweep an upholſterer's ſhop belonging to Mr. Trotter, the priſoner was porter, and I perceived him rather bulkier about his waiſt than he generally was; and I ſaid, Simon, you look as if you was with child; he laughed; I inſiſted on ſeeing what it was, and without any heſitation he unbuttoned his waiſtcoat, and down dropped a Manchester ſtriped tent-bed furniture, I believe he ſaid he got it up ſtairs: I do not know who it belonged to; they were goods which Mr. Trotter had in truſt.

PRISONER's DEFENCE.

I was diſtreſſed one night for money, I owed eight pounds for rent, I did not mean to thieve it.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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810. ABRAHAM BENATTO was was indicted for feloniouſly ſtealing on the 11th day of Auguſt laſt one ſilk handkerchief, value 4s. the property of John Powell.

JOHN POWELL *ſworn.*

The priſoner came to my houſe the 11th of Auguſt laſt, to enquire for ſome ſilk handkerchiefs, we ſhewed him ſome; he deſired me to take down ſome cotton handkerchiefs that were behind on a ſhelf; and while I was taking them down I rather ſuſpected him; and he bought a cotton handkerchief, I put it into a paper; I ſuſpected he had taken ſomething, and I ſaw a ſilk handkerchief in his pocket, the corner was out; I miſſed the handkerchief, he ran out and I ran after him to a paſſage juſt adjoining my houſe; I ſaid, hark you, my friend, and he ran and he dropped the handkerchief, and I laid hold of him and the handkerchief; he had not run three yards before I ſaw him drop the handkerchief, I took it up;

up; he ſaid a lady had put it into his pocket.

(Depoſed to.)

Priſoner. I leave it all to my counſel.

The priſoner called ſix witneſſes who all gave him a good character: one of them promiſed to take care of him; and the proſecutor ſaid he had enquired and found he had a very good character.

GUILTY.

Privately whipped.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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811. ANN GIBSON was indicted for feloniouſly ſtealing on the 29th day of June laſt, one pair of linen ſheets, value 10s. and one cotton gown, value 4s. the property of Thomas Wightman.

THOMAS WIGHTMAN *ſworn.*

The priſoner lived ſervant with me, and went away privately, and took a pair of ſheets of mine, and a gown of my wife's; I ſaw her ſeven days after with the gown on her back, and ſhe confeſſed where ſhe had pawned the ſheets; no promiſes was made.

(The gown and ſheets depoſed to.)

RICHARD WARNER *ſworn.*

I received theſe ſheets of the priſoner; I lent her ſeven ſhillings on them, ſhe ſaid they were her own.

Priſoner. I do not know what to ſay, I leave it to your mercy.

GUILTY.

To be privately whipped and confined twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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812. MARTHA FISHER was indicted for feloniouſly ſtealing on the 14th day of September, one leather purſe, value 1d. ſix guineas, value 6l. 6s. and 3s. and 6d. in monies numbered, the property of Thomas Baddeley, privately from his perſon.

THOMAS BADDELEY *ſworn.*

I am a porter in Aldermanbury, the priſoner followed me down the ſtreet on the 14th of this month, I went with her into a private houſe in Jackſon's-alley, it was between ſeven and eight, I was as ſober as ever I was in my life; I was not in the houſe a minute and an half before a girl came up and demanded 6d. for the uſe of the room, and was going to ſhut me up in the room, ſo I thought I might as well give them the ſix-pence, and I pulled out my purſe to give her the ſix-pence, and the priſoner immediately buſtled up to me, and took my purſe, and ran down, and ſent down the maid, ſhe took the purſe out of my pocket; I did not perceive it go then.

Court. You felt that ſhe took it from you?—I cannot ſay that I had the apprehenſion of juſt thinking of what ſhe was doing; I did not perceive it go; I thought ſhe belonged to the houſe; but the woman ſaid ſhe knew nothing of her, there were ſix guineas in gold, and three and ſix-pence in ſilver: then I went to Sir Sampſon Wright's, and met with Mr. Croſby, and we found her in Drury lane, juſt by the Bull and Mouth, ſome part of the money was found, Mr. Croſby found a guinea and a ſhilling; I am ſure this is the woman.

Priſoner. They took two pounds nine ſhillings out of my pocket, if he can ſwear to that, then I will ſubmit; I never was in his company in my life.

THOMAS CROSBY *ſworn.*

I took up the priſoner the ſame evening, about half an hour after in Drury lane, a little above the Bull and Mouth, ſhe made a great noiſe, ſhe kicked me and bit my thumb, ſome of the money fell in the ſtreet, ſhe brought twenty or thirty thieves, and people of her own ſtamp about her; Mr. Ward ſearched her, and found one pound ſeven ſhillings; I found one guinea in her hand, and one ſhilling ſhe dropped.

Did you find a purſe?—No.

JOSEPH

JOSEPH WARD *sworn.*

I assisted in taking her, and found one guinea and six-pence on her.

Court to Prosecutor. I suppose you do not know your two guineas?—No, Sir.

Prisoner. I never saw him, I never was in the room with him.

Court to Prosecutor. You certainly knew that this woman took the money?—I felt her press very hard on my thigh.

GUILTY.

Of stealing, but not privately.

To be confined to hard labour six months in the House of Correction.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

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813. PATRICK COFFIELD was indicted for feloniously assaulting Sawney Clough, on the King's highway, on the 11th of August last, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one hat, value 4s. one black silk handkerchief, value 2s. and four shillings in monies numbered, his property.

(The witnesses examined apart, at the request of Mr. Garrow, Prisoner's Counsel.)

(The Prosecutor being a foreigner, and not understanding English, an Interpreter was sworn.)

SAWNEY CLOUGH *sworn.*

I was robbed, but I do not know what month.

Where was you going?——To the Blue Anchor public house, in the Back-lane, at past eleven at night.

Who did you meet?——I do not know.

Tell your own story?——I met a white man; that is the man.

Are you sure of it?——Yes.

What did he say or do to you?——He asked me if I had got any money, I told him I had got no money, he struck me first and then he robbed me, there were two men one struck me and the other robbed me while I was blinded down upon the ground.

What did he strike you with?——With his hand.

Did you lose your senses?——Yes.

What did he rob you of?——My hat, four shillings, and a black handkerchief.

What did you do when you came to your senses?——When I came to my senses I looked for the man, and he was run away.

Look again at the many and see whether you are sure that is one of the persons that robbed you?——This is the man that struck me, and caught hold of my two hands, and the man that robbed me ran away.

Was it a dark or a light night?——A dark night.

Did they speak to you immediately on coming up, or did you walk together any time?——They called me a black b—gg—r and struck me, and asked me for my money, there was a light in a public house.

JOSHUA GRAY *sworn.*

I was the officer of the night, on the 11th of August, I am headborough of Wellclose-square; and I saw the prisoner and this prosecutor against a door, as I came back there was a bit of a wrangle, and some girls about, I told the prosecutor to go about his business; I went down to the watch-house, and in about ten minutes a girl came running down, and said a Lascar had been robbed, I went out with the watchman, and I saw two men cross the way, and seeing the prisoner making off, I took him into custody; the prosecutor said this was the man that assaulted him, the prosecutor said this was not the man that robbed him, but this was the man that held his hands while the other took four shillings out of his pocket, and his hat and his handkerchief.

WELDON JONES *sworn.*

I was at the watch-house and a girl came down and said that a Lascar had been very badly used, I went with the constable, and stood in the Back-lane, I saw nothing of them, a girl said that was the man that ill

used the Lascar, I went down and the prosecutor said this was the man that held him while the other robbed him.

Court. Is the girl here?—No, she was a girl of the town; I do not remember whether she was bound over, I have not seen her that way sometime.

Prisoner. I have served his Majesty ten years, I was coming from on board a ship, at Deptford, and got a little merry; I lodged at William Curtis's always, the Red-lion; as I came up the passage the prosecutor struck me, and I struck him, and we fell, I know no further, after I was admitted to bail, this man persuaded the men to swear to me on account of the bounty, I sent to Sir Richard Pearson for a character, and I expect one this evening.

Court to Gray. You represent this one Lascar to have told you this story?——Yes, Sir, so as I could understand him, he can speak English so as a good many can understand him.

GUILTY, Death.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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814. JOHN BROWN was indicted for feloniously assaulting James Harris, on the King's highway, on the 26th of July last, and putting him in corporal fear and danger of his life, and feloniously taking from his person and against his will, one watch with the inside and outside cases made of silver, value 40s. a stone seal, value 12d. a base metal watch hook, value 6d. and a key, value 1d. his property.

(The witnesses examined apart at the request of the Prisoner.)

JAMES HARRIS *sworn.*

I am a journeyman baker, I was robbed on the 26th of July, in Lime-street, Spital-fields, between twelve and one, I was going home, I was as sober as I am now; I was knocked down by another man, I got up and ran away from him, that was just before, about a minute; the prisoner met me, and asked me what was the matter, I told him a man had knocked me down and used me ill, immediately he whipped my watch out of my pocket and ran away.

Did he speak to you by your name?—No.

Was it dark or light?——Star-light.

Are not you mistaken as to the man?—I am pretty sure I am not.

Have you any doubt at all about it?—Not in the least.

Are you clear that is the man?—Yes.

Now you have looked at him again, do you continue satisfied that he is the man?——Yes.

What sort of a watch was it?—A silver watch, I took him up the next day, he said nothing more to me than I have related, he did not ask me to deliver my money or watch, or anything.

Mr. Keys, Prisoner's Council. What day was this?——The 26th of July.

What day of the week?——On Tuesday morning.

What time of the night?——Between twelve and one.

I believe you had been drinking pretty freely?—Not above a pint of beer the whole evening.

Have not you expressed a doubt about the prisoner?—No.

Do you know one John Newton?—No, I cannot say I do.

Have you had any conversation with anybody about the prisoner?——Yes, he has sent to me to make it up.

Is not there another person in that neighbourhood, that is like the prisoner?—Not that I know.

Court. Did I understand you right, when you said no violence was used to your person by him, but that he barely snatched the watch out of your pocket, and returned it again?——Yes.

Did you see the other person that knocked you down and him together?——No.

HENRY HALE *sworn.*

I attended the Rotation-office, at Whitechapel, I went to apprehend the prisoner the next day, the prosecutor picked him out from several other prisoners.

Did

Did you find anything upon him?——Nothing at all.

BENJAMIN NASH *sworn.*

I apprehended the prisoner.

Did he mention his name to you?——No, he said he knew him very well.

Prisoner. I leave it to my Counsel.

The prisoner called six witnesses who gave him a very good character.

RICHARD BROWN *sworn.*

I am the brother of the prisoner, I came home on the evening of the robbery between eleven and twelve, and my brother was in bed; I went to bed to him, I am sure he did not go out that night any more.

Where do you live?—Great Eagle-street Spital-fields.

Court. What night was this?——The 25th of July.

Are you sure it was the 25th of July?—I am no scholar, any further than I got a gentleman to put it down to the best of my knowledge, my uncle put it down.

How came that?—Because my brother being in trouble, he put it down for a memorandum, it was on the Monday night.

Court to Prosecutor. What night was it you was robbed?——Between twelve and one on the Tuesday morning.

Court to Brown. When was it you desired your uncle to put this down?—The day after, or in the course of the week.

Court to Jury. From the evidence there does not seem to be that sort of violence that will constitute a highway robbery, it is a felony.

GUILTY

Of stealing, but not violently from the person.

Transported for seven years.

Tried by the second Middlesex Jury before Mr. Baron HOTHAM.

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815. SARAH COOPER was indicted for feloniously stealing, on the 27th day of July, one watch, with the inside and outside cases made of silver, value 20s. a string, value 1d. a piece of a silver seal, value 2d. and a key, value 1d. the property of John Craig, privily from his person.

JOHN CRAIG *sworn.*

On the 27th of July, about half past twelve at night, I was coming from the Strand, and the prisoner came up to me, and wanted me to go to Westminster with her, and I went into a little alley; she stopped me, and as I was coming out she asked me again to go with her, I told told her I could not go with her, and she laid hold of me, and hawled me, and when I parted with her, I found my pockets turned inside out, and I missed my watch directly; then I ran back and took hold of her, and asked her to give me my watch, and she began swearing, and brought a great mob of people, and they all came round me; I called the watch, and the watch came and took her into custody, and searched her, and found the watch.

Where was your watch?—In my waistcoat pocket.

How came you to carry it there?—The glass of it was broke, and there were no hands upon it, so I had it in my waistcoat pocket, open; this is the very watch; I had it about a fortnight before, I am very sure of it; I know it by the condition it is in, without the glass, and no hands; I did not give her the watch.

RICHARD DORRINGTON *sworn.*

I searched the prisoner, and found the watch in her pocket; she said she had the watch in her pocket, but she would not give it till she went to the watch-house; she said the man gave it her, but he denied it.

PRISONER's DEFENCE.

I had lately come out of the workhouse, and I was very distressed, I met this gentleman coming along the Strand, I asked him where he was going, he said home; I said, I wish you would give me something to drink, and I asked him for two shillings first, and he said he would give me two shillings

shillings after I had obliged him, and he gave me the watch.

Court to Profecutor. Was you perfectly ſober? — I had been at the White-horſe Inn, in Saint Martin's Lane; I was not in liquor; I never knew my watch was gone till I came out, and ſaw my pocket turned out; I was not above three minutes from the firſt time I ſaw her; when I was coming out of the Alley ſhe met me, and laid hold of me, I told her I would not go with her, and ſhe ſnatched it out of my pocket.

GUILTY,

Of ſtealing, but not privately.

Privately whipped, and confined to ſix Months hard Labour in the Houſe of Correction.

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816. JANE LANGLEY and MARY FINN were indicted for feloniouſly ſtealing, on the 29th of July laſt, five guineas, value 5l. 5s. and 9s. and 6d. in monies numbered, the property of Robert Robinſon.

ROBERT ROBINSON *ſworn.*

On the 29th of July, about ten, I was robbed in Blackhorſe-yard; I was going home, and I met the priſoner Langley in Nightingale-lane, and ſhe aſked me to go home with her, accordingly I returned, and ſhe took me to Mary Finn's in Blackhorſe-yard, and I ſat down in the houſe five minutes; I felt ſomething in my pockets, and I jumped up, and felt in my pocket, and miſſed my money; I was not any way diſguiſed in liquor; I had the money after I went in not five minutes before; I had it in my hand; they ran out of the door, and a man who ſtood in the door-way before I was robbed, tripped up my heels, and ſet his feet on my breaſt as I was going out; I never recovered any part of my money; they offered me four guineas of the money afterwards, but the juſtice told me I muſt not take it; it was the day they were ſent to priſon; they were taken three days after the robbery, and they ſent a man with the money; I had ſeen both the priſoners before.

By what light did you ſee them? — By the light of the lamp; I am quite ſure they are the two women; I looked at the place where I ſat, there was no money there, I looked on the bed, and there was none there.

Did any thing paſs between you and either of them before you were robbed? — No; the priſoner Mary Finn ſtruck me before the Juſtice, and gave me a black eye, and before the Juſtice Mary Finn ſaid that ſhe had two ſhillings of the money, and that the other had all the reſt.

What did the other ſay? — The other ſaid nothing.

Did either of them deny being in the room with you? — No.

PRISONER LANGLEY's DEFENCE.

I ſerved two years to my buſineſs; I had been to carry ſome work home, coming along the man met me; he took hold of me; I ſaid I was going home; he ſaid he had been robbed in this place; I do not know by whom; he had been knocking at ſeveral peoples doors; he followed me home, and I ſtopped, and got me a half-penny candle, and I went and unlocked my door; this man followed me in, he ſat down on a box that ſtood by my bed-ſide, I told him, ſays I, I will be very much obliged to you to go out of my houſe, I wanted to go to bed, he aſked me for a bit of candle, and I locked my door and went to bed; he never took me up till Monday, and then I aſked him what for, and he ſaid he had been robbed, and whether it was us or not, he would make us pay for it.

MARY FINN's DEFENCE.

He put two ſhillings into my hand to ſhew him where he was robbed; I told him I did not know: he went round to every place; he was very much in liquor; he aſked three guineas to make it up.

Court to Profecutor. Had you loſt your money before you fell in with theſe women? — No, I never ſaw them after I was robbed.

Is there any truth in theſe ſtories? — None.

JOSEPH

JOSEPH JEFFERY SMITH *ſworn.*

I live in Blackhorſe-yard; I am a Smith by trade, a journeyman; I work there with one Mr. Callian; I know a good deal of the affair;——

Court. Let the other witneſſes for the priſoner go out of court till they are called.

Smith. On Friday night, about a quarter after eleven, I was ſtanding at one Mrs. Taylor's door, who keeps a chandler's ſhop, a man came and knocked at the door facing that, which is a farrier's ſhop, Mrs. Taylor ſays, what do you want there, ſays he, I have been robbed of my money, Mrs. Taylor ſays, you have not been robbed there, and I made anſwer, and ſaid, good man, you could not be robbed here, for that is a farrier's ſhop; there is nobody lives there; with that, he ſays, I am ſure I have been robbed here, then, ſays he, I have been robbed ſome where about here; ſays I, do you know who robbed you, why, ſays he, it was a tall woman, with a dark complexion, and her hair was very curly here (and he put his hand to his head, as I may do now) and a man; I ſaid, ſhould you know the party again, I do not know whether I ſhould or no, ſays he; but are you ſure they robbed you, ſays I; yes, ſays he, becauſe I felt a woman's hand in my pocket, and ſhe ſlid it away, and the man put his leg out, and he tripped me up, and I fell down, and I could not ſee any more of them; with that th priſoner, whoſe name is Jenny Langley I think; I know all my neighbours; I know her very well by ſight; I never ſpoke to the woman before that night ſhe came to the chandler's-ſhop; but whether ſhe bought a candle or no I do not know; ſays ſhe, I am going home; this good man that ſtands here ſays, I will go home along with you if you have a mind, ſhe ſays yes, with that they went to her lodging, and I am obliged to go by their door to go home; I bought a candle at the chandler's-ſhop, and went home into the priſoner's apartment to light it, and I looked at the man, and I ſays to him, good man, you are the man that was robbed; yes, ſays he, and I have got no money now; he was in the woman's apartment; no body was in the room beſides the two priſoners; the woman makes an anſwer directly, and ſays, then if you have no money you cannot expect to ſtay here, go about your buſineſs; he directly replied, I have no money, for I have been robbed of five guineas and odd.

Court. What was the woman's name whoſe ſhop you was at?—Mrs. Taylor, I expect her here.

Whoſe houſe was it that the man was knocking at oppoſite?——I do not rightly know the man's name; he has a ſhop facing Mrs. Taylor's; he lodges at Mrs. Taylor's; he knocked at the door a great while, almoſt fit to ſplit the door down.

Was there any body elſe of the neighbours that was alarmed and came out?——Yes, there is a woman.

What is her name?—I do not know, I ſhould know her if I was to ſee her.

Priſoner. Her name is Mary Jones.

Court to Smith. Was ſhe preſent when the converſation paſſed between the proſecutor and Mrs. Taylor?——No, nobody was preſent but Mrs. Taylor; this woman ſaid the proſecutor came and knocked at her door.

How long have you worked in that neighbourhood?—Better than a twelvemonth, a twelvemonth laſt Auguſt.

You know the neighbours very well then?——I keep but a little acquaintance with any of them.

Whoſe houſe did this priſoner Langley live in?——I do not know the name of the landlord, Mary Finn lives over the broadway, ſhe does not live in the ſame place with Langley.

How far is that off?—As far as it is from here to the pump going to St. Sepulchre's.

Did you ſee her at all that night?—No, I did not.

How long have you known Langley?—I believe I have known her about three or four months.

Do you lodge there as well as work there?—I have a houſe there, I have a little houſe, and I live in there, my wife and I.

Is your maſter here?—No, he has lived in Black-horſe-yard ten years.

How do you ſpell your maſter's name?——Upon my word I do not know, I am no ſcholar, Kellyan.

That is not an Iriſh name, Kelly is?—His name is Cornelius Callagan.

Then you did not ſee anything of Mary Finn that night?——No, I did not, I never ſaw any harm of either of the women, they always behaved as they ought to do.

This man ſaid he had loſt all his money, and he had no money left?—Yes.

Then it is not true that he gave Mary Finn two ſhillings, to help him to look for his money with a candle?——Not while I was by.

Court to Robinſon. Did you ever ſee that man before?——Yes.

Where did you firſt ſee him?——The firſt time I ſaw him was at the King's Arms in Eaſt Smithfield, the day that the priſoners were taken up.

You did not ſee him before?——Not to my knowledge.

He was not at the door and tripped up your heels?—I have no recollection of that man, he came up and offered me four guineas to make it up and not to appear, and I ſent in to the Juſtice.

What did he ſay?—He offered me four guineas not to appear againſt the priſoners.

Was any body preſent when he made that offer?——Yes, there was one Brown, that was with him, and one Mr. Burton, a maſter blackſmith at Blackwall, but he is lame and not able to come.

Was there anybody preſent with you here now?——No Sir, nobody at all, this man himſelf went to the Juſtice, to aſk whether I might take the money or not.

Court to Smith. How came you to make this offer on behalf of the priſoner?—My Lord, I never made ſuch an offer.

Then this is falſe?—It is as falſe as God is in Heaven.

You recollect there are two witneſſes in this caſe, mind, though Mr. Burton is not here now, he can be found hereafter; now will you ſwear, you never made ſuch an offer?——I will, all my goods and clothes would not fetch it, I did not make the offer.

You ſwear that poſitively?—Yes, neither did I go to the Juſtice, I was not with them when they took the girls up.

Were you ever, at any time with the proſecutor at the King's Arms in Eaſt Smithfield?——I ſaw him there, he came in there, but I never ſpoke to him, nor drank with him, he gave the girls ſomething to drink.

You never ſpoke to him in the King's Arms?—I never ſpoke to him in the King's Arms.

Then you poſitively ſwear that you never made him ſuch an offer, nor never ſpoke to him at the King's Arms?——I never did; at the Brown Bear I ſpoke to him, we had ſixpenny-worth of gin and water, or ſomething, I do not know what it was.

Did you make him that offer at the Brown Bear?—No.

What converſation paſſed?——I will tell you; there was one Brown, and he and I went over to the Brown Bear, and there was the proſecutor and another man ſitting, and I called for a pint of beer, and we had ſixpennyworth of ſomething, and he offered his own ſelf, that if the girls would make the four guineas up before the trial came on, he would not appear againſt them, with that I ſaid, I would go and ſpeak to the girls, and I went to the girls where they were in the lock-up place in the King's Arms, and they ſaid they could not do any ſuch thing, they had no money, they were not guilty, and could not get any money.

Then it is not true that Robinſon ſent over to the Juſtice's, to aſk whether he might take the money or not?——I do not know.

Court to Robinſon. Was it at the Brown Bear, or the King's Arms, that he offered you the money?——It was at the Brown Bear.

ELIZABETH TAYLOR *ſworn.*

I live in Eaſt Smithfield, juſt by Nightingale-Lane, in Wapping pariſh.

Do

Do you live in Blackhorſe-yard?—Yes.

Do you keep any ſhop there?—I keep a chandler's ſhop there.

Do you know the proſecutor of this indictment?——I have ſeen him before, I ſaw him on the Friday night, he ſaid he was robbed.

Where did you firſt ſee him that night?——The firſt time that ever I ſaw him, was in my own ſhop, my ſhop was ſhut up, and I was juſt going to bed, I was putting on my night cap, it was a few minutes paſt eleven.

Court. Let an officer go out of Court with Smith, and mind, do not let him go away, he may be wanted again.

Elizabeth Taylor. The proſecutor puſhed open the door and came in, I was putting on my night cap, ſays I, pray maſter what do you want here, ſays he, miſtreſs, I am robbed, ſays I, pray maſter do not come here, nobody has robbed you here, here is nobody elſe lives here but me, and my children; ſays he, I was robbed at your door by a tall very remarkable woman, and a man; ſays he, I ſhould know the woman if I was to ſee her among a thouſand, ſays he, the woman is very remarkable indeed, ſhe is quite a black complexioned woman, and her hair grows over her forehead all rough; ſays I, maſter, I know nothing of it, here is nobody here, and I ran round the counter, and ſhut the door too, and ſhut him out, and he went two or three doors by me, and he knocked at ſome doors, different doors, and he ſaid he was robbed, I heard him ſay ſo when I was within; there was a farrier's ſhop oppoſite to my door, and he went over there, and kicked, and knocked, and I opened my door again, and ſaid, good man, do not go there, there is nobody there but a parcel of men, that have been in bed three hours, then he went to a houſe were there was a very old man, and an old woman, and there he ſaid, he was either robbed there, or at the chandler's ſhop door, then this old man told him he was not robbed there, the old man was in a paſſion with him, and he pulled off his ſhirt, and he beat the proſecutor.

What did Robinſon do upon that?——The old man brought him to me again, with a candle in his hand, ſays he, Mrs. Taylor, this man ſays he is robbed, ſays I, do not bring a drunken man here, you know nobody could rob him here; this old man's name is Weſt, and as we were talking in came Jenny Langley for a candle, and ſhe ſays to me, Mrs. Taylor cut me a candle, I cut her down a candle, and this man, and the old man were at my door, and then Smith and his wife came into my ſhop at the ſame time, while Jane Langley was getting the candle, they were in my ſhop juſt before ſhe came in for the candle, and I cut them a candle, and this man, the proſecutor, turns round to Langley, and ſaid, I will go home with you my dear, but I have been robbed, I have no money but fourpence in the world.

Court. He made the firſt offer then?—Yes.

She did not aſk him firſt?—No, he ſaid he was robbed by a man and woman in the ſtreet, at this door, or ſome door nigh here; the proſecutor went with the young woman out of my ſhop, and I made anſwer to Smith and his wife, ſays I, I dare ſay that is ſome drunken bad man, now he will go and rob Jenny, now ſhe has got a few things about her, and is a little tidy; ſays Smith, I will take care he ſhall not, for ſhe is a quiet honeſt harmleſs girl, I will go and tell her as the man ſays he is robbed, to turn him out, and he bid his wife to ſtop in my ſhop the while, and Smith went, and when he came back, he ſaid the man was ſtanding at Jenny's door, and talking to her, and wanted to ſtay with her all night, and ſhe ſaid he ſhould not, and ſhut the door, and ſhut him out, I know nothing further, this was on Friday night, and on the Monday I ſaw this man again.

Where is the old man?——He is in the country, hopping; Smith's wife and he came in together, while the proſecutor and the old man were quarrelling at the the door, then Jenny came in and aſked me to cut her a candle.

Did

Did you see Mary Finn that night at all?——No, not that night.

Do you know her?——I know her very well, I did not see her that night.

Did not Smith take a candle from your shop?——Yes, Smith took a candle from my shop and lighted it, and he had a quartern loaf and a quartern of cheese.

Do you remember his helping Robinson to look for the money that he had lost?——I do not know, I did not go there to look, I shut to my door after Smith went to Jenny, and Smith came in again, and told me that Jenny had turned the man out, he had a candle and lighted it, and went out of doors somewhere, and then came back to his wife, I was affraid and shut my door.

Did Smith help or offer to help him to look for it with the candle?--I don't know, he lighted the candle and went out after the prosecutor had gone home with Jenny Langley.

Was there anybody present but Smith and his wife, and the old man and the prosecutor?——Nobody else.

Did Smith and his wife leave your shop both together?—Yes, at the last they did.

How long was that after the prosecutor was gone?—I suppose four or five minutes after he went out with Jenny.

Did you hear him charge Jenny Langley with the robbery, while Smith was with you?—No, I did not, he said he was robbed, but he said he would go home with Jenny Langley, he said so to her, he said he would stay with her all night, but he had no money; and she told him he should not come, and he said he would; on the Monday I saw the man afterwards, Mary Finn and another young woman that lives next door but one to me, came for some coals, there is some steps go up into my shop, and as I was bringing up the coals, they sat upon the steps, and the prosecutor and another man came in, and he says to me, pray do you know one Mary Finn hereabouts, yes, says she, my name is Mary Finn; says he, I was robbed somewhere about here last Friday night, and you may be one of them that did it for what I know; why says she, did you ever see me before, says she you would not say I robbed you, would you; says he, I will go and give charge of you now, if you do not give me some of my money back, says she, I never had any of your money, nor none I will give you, and if you have the impudence to go to a Justice, I will go with you, and he went to the Justices, and she with him.

Who was the man that was with him?——I do not know.

Was anybody else present at this conversation but you?——I do not know that there was.

Jury. When you was affraid that the prosecutor might use this young girl ill; Smith said he would care take he should not?—Yes.

And he would go along with the girl?—Yes.

He came and told you, the girl had turned the prosecutor out, and shut the door?—Yes, he went down on purpose.

Court. Call in Smith again.

Court to Smith. You say that the first you observed of the prosecutor was seeing him knock at the farrier's door opposite?—That was the first of my seeing him, I cannot recollect seeing him before, I then entered into conversation with him, and told him he had not been robbed there, then he came over and talked to me, at Mr. Taylor's door, he said it was a very tall woman, with a very dark complection, and her hair was very rough, and he put his hand to his head, and a man; and that he felt the woman's hand in his pocket.

When the conversation passed between you and the prosecutor, as you have told us, I think you say nobody was present but Mrs. Taylor?—Mrs. Taylor was at the door, but I do not remember any body else.

How long was it after the prosecutor went home with Langley, that you went afterwards there to light a candle?—I look upon it not to be above ten minutes.

Where had you staid then?——I was standing talking to Mrs. Taylor.

When you went to Jenny Langley's to light your candle, where did you find the prosecutor

profecutor and her?—She was ſitting at a table or a ſtool in her apartment; I left them in the room together, but as I croſſed over the way, I ſaw him go away.

If Jenny Langley, as you ſay, was no acquaintance of your's, how came you to go to her apartment?——I went to light my candle.

Had you any other buſineſs there, or did you go there for any other purpoſe than to light your candle?—I did not to help me God.

Poſitively?——Poſitively I did not.

Mrs. Taylor keeps a chandlers ſhop?——Yes.

Pray did you buy any bacon and eggs at her ſhop that night?——I cannot rightly ſay whether I did or no.

Did you go to Mrs. Taylor's ſhop after you had been to light your candle at Langley's?——No, I did not, I went home directly and went to bed.

Then if you bought any things there, it muſt be before?—Yes, it muſt, for I went home directly, and went to bed.

Are you a married man?—Yes.

Was your wife at home?—Yes.

Was ſhe at home all that evening?——She is ſeldom at home till it is lateiſh.

What time did ſhe come home that evening?——I cannot tell rightly, about ten o'clock.

Was ſhe alarmed at this, did ſhe come out upon the occaſion?—I cannot rightly remember, but I went home and went to bed.

She was at home when you went home from Langley's to go to bed?—Yes.

Court to Jury. Gentlemen, I fancy I need not go any further in this croſs-examination, I dare ſay you are very well ſatisfied?—Yes, my Lord.

MARY JONES *ſworn.*

On Friday night my huſband and me were in bed.

Court. Before you give your evidence, hear what I have to ſay to you; be cautious what you ſay, I have two other witneſſes that have been examined before, you have not heard their examination, they have contradicted each other very materially; I wiſh to ſave you from the guilt of perjury: I have ordered them to be detained in Court, with an intention of committing them to Newgate for perjury, if the Jury does not believe their evidence, and if you ſhould give an evidence that the Jury ſhould not believe, you will ſhare the ſame fate; now, with that caution, if you wiſh to be examined, it is upon your own head.

Mr. Jones. I ſhall ſpeak nothing but truth; on Friday night about a quarter after 11; I was in bed and aſleep, and my huſband likewiſe, and ſome perſon knocked at the door, I aſked who was there, and the man ſaid he was a friend, and I immediately aſked him what he wanted; he ſaid to come in doors; my huſband aſked him what he wanted; he ſaid no more; he went to the next door to Mr. Weſt's, who is an elderly old gentleman, and his wife is old, and ſhe ſpins; he knocked at the door and begged for a bit of candle, and they gave him a bit, and he came to my door again with a light in his hand, and I ſaid to my huſband, get out and ſee what the gentleman wants, and he got out in his ſhirt, and I got out in my ſhift, and ſtood behind the door, and my huſband ſaid, friend what is that you want, and he ſaid he had been robbed, and my huſband ſaid, friend, was you robbed here, and he looked about a bit, and he ſaid no, he was not; he went away, and I ſhut the door and went to bed, and I know no farther.

Were you at the Brown Bear when Smith was there with the profecutor Robinſon?—No, Sir, I was at the King's Arms.

THOMAS COSSUM *ſworn.*

I live in Mountague-ſtreet, White-Chapel; I am a houſekeeper, I am a tambour worker; I have known the priſoner Langley ever ſince the expiration of her apprenticeſhip, that was in 1777, ſhe has worked with me three different times; I have truſted her with every thing I had, and ſhe behaved honeſt and juſt.

Priſoner Finn. Aſk the profecutor if he did not pawn his watch that night to ſleep with a girl three doors from me.

Profecutor. I have not child enough for these fifteen or fixteen years, and I think that I fee my own home that night.

JANE LANDLEY, GUILTY,
Of ſtealing, but not privately.

MARY FINN, GUILTY,
Of ſtealing, but not privately.

Court. In the firſt place let the officers take Smith and Taylor into cuſtody, and commit them to Newgate.

Court to Priſoner. Now as to you priſoners, I think it right that theſe perſons who have been the hearers of your defence, and of your trial, ſhould alſo be the hearers of your ſentence, for this Court has always made it a rule, wherever they detect perſons committing the crime of perjury in order to clear priſoners, to puniſh thoſe priſoners who ſet up ſuch defences in the ſevereſt manner; had you been convicted of this offence unaggravated with the crime of perjury, the Court would probably have thought, that whipping each of you, with ſix, or at moſt twelve months confinement in the houſe of correction, would have been a ſufficient puniſhment of your offence, but the Court conſider your perjured defence, in which opinion I muſt entirely concur with the Jury, ſo great an aggravation of your guilt, that the Court muſt paſs an additional puniſhment upon you; therefore the ſentence of the Court is, that you and each of you be tranſported beyond the ſeas for the term of ſeven years to ſuch place or places as his Majeſty, by the advice of his Privy Councel ſhall think fit to declare and appoint.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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817. JOHN WILSON was indicted for feloniouſly breaking and entering the dwelling houſe of Lewis Ducrog, on the 28th day of Auguſt laſt, about the hour of three in the afternoon, one John Perry being therein, and feloniouſly ſtealing therein a 800 copper halfpence, value 33 s. the property of the ſaid Lewis.

LEWIS DUCROG ſworn.

I live in Fleet-market, the left hand ſide, I am a tallow-chandler; on the 28th of Auguſt laſt, during my abſence my houſe was entered, and my property taken out of the cupboard in the parlour, which was broke open, to the amount of eight or nine pounds; I left my houſe at a quarter before three; there was nobody at home when I left it, the door was faſt.

Were all the windows faſt?—I cannot ſay with certainty, I heard nothing of it till between ſeven and eight in the evening; the property was afterwards found in the neceſſary in Poppin's court; there was four pounds worth reſtored to me, the other part I ſaw at the Eagle and Child in Shoe-lane, and is now to be produced, there were fifteen papers of halfpence, I ſaw them there.

JOHN KELLEY ſworn.

I live ſometimes in lodgings, on the 18th of Auguſt laſt, I was at the proſecutor's houſe, he deſired me to come and look after it; on Sunday I got the key from his father's, none of the family were within, I unlocked the door and locked it after me, I went up ſtairs to the kitchen and laid the key upon the table; I ſtaid there till four o'clock, and then I heard a noiſe below ſtairs; I came down and found the door wide open, and I ſaw a man ſtoop down and pick up a handkerchief with a great bulk, I cannot ſay what it was; he took it from the bottom ſtep of the ſtairs, and I ſaw him take it up and run away; I aſked him what he did there, he made ſomething of a droll anſwer, but I could not underſtand, being hard of hearing; and before I could aſk another queſtion he was gone; then a gentleman came to the door and aſked me if I belonged to the houſe; I ſaid yes; then ſays he the houſe is robbed; I ſaid how could that be when I was in the houſe.

Court. How could you doubt that the houſe was robbed, when you found the door open?——I thought it was ſomething

belonging to himself that he snatched away; then a young man came, and we found the backside door broke open, and the property that was in it gone; I saw but one man.

Look about, and see if you see him?—I cannot see him.

Look at the prisoner, and tell me whether that is the man you saw?——That is not him.

Court. Were the windows below stairs lift and shut?——I did not examine at all.

Mr. Garrow, Prisoner's Counsel. You should know the man that you saw in the house from ten thousand, should not you?—I think so.

You are sure this was not the man?——Yes.

WILLIAM CHITTY *sworn.*

I saw the prisoner come out of the house of the prosecutor with a bundle in his hand, on Sunday the 28th of August, as nearly as I can recollect, about half past three, or a little before four; I was within a yard, he passed me very quick.

Did he run or walk?—He ran, and I ran after him through several turnings about Shoe-lane, till he came to New-street, and I followed him down another court into Shoe-lane, near a public-house, but I lost sight of him near half a minute, and I was informed he was gone into this public-house, that was the Eagle and child; I went to inform the prosecutor's father-in-law, and he and I, with a constable, came up to the prosecutor: when we went in I saw the prisoner run out at the door that he went in at, and that we went in at; he was the same person I pursued; we were at the back part of the house when I saw him run out; he was pursued, and ran into a chandler's-shop about a dozen doors from the public-house, and the constable and two or three more followed him, and took him there.

Mr. Garrow. What are you by profession?——A hair-dresser, I live in Bell-Savage yard, Ludgate-hill.

Are you a master hair dresser;—I live with my father.

Is your father a hair-dresser?——Yes, I am not a master, I am journeyman to him.

Were you alone in Fleet-market?——Yes.

Did you know this man before?——I never saw him before.

How long was he in your sight before you lost him?—Not above a minute.

How long was he out of your sight?—A whole minute.

So that a man passing quickly by you, and who was in your sight about a minute, you swear to him?—I think I can.

Am I to understand you have some doubt?——I think I can positively swear to it.

Can you swear in a case that affects a man's life?—That was the person that I saw for a minute, one person is like another, I should be loth to be too positive, I can only say to the best of my knowledge.

How often was this young man examined before a magistrate?—I do not know, I was not at the examination; I was not known, they did not know who I was, he did not know me notwithstanding I lived in the neighbourhood.

How did they find you out to go before the Grand Jury?—It was mentioned at a shop in the neighbourhood, and they said the person that gave information to Mr. Cover was absent, and they did not know who it was; and the shopkeeper said I can tell you who it was, it was young Chitty; that was about three days after the Sunday that the prisoner was taken up.

When was he committed?—I heard the day after.

How long might the person that you watched in the Eagle and Child have continued there, while you went for Mr. Cover and the constable?—About ten minutes, Mr. Cover lives a few doors from the prosecutor's.

You never shewed yourself to Kelly on the Sunday?—After the person was taken into custody I went about my business; I am quite a stranger to these matters; I did not know whether it was material or no.

Court. You did not know that Mr. Cover did not know you personally?——I did

did not know but what he did. I knew him, and I thought he knew me.

JOHN COVER *sworn.*

I am a relation to Mr. Ducrog, on Sunday the 28th of August last, Chitty came to me, I did not know him, at that time he came to inform me, that he saw two men come out of Mr. Ducrog's house with bundles, and that he had watched one of them to the Eagle and Child in Shoe-lane, we went there with the constable, we went into the house, being informed there was a very suspicious person in the back-room, and when we went in he was not to be seen; after a very little time there was a cry in the passage, here he is, here he is, my situation at that time was quite at the further part of the room, at the back of the house, expecting he might have got into the yard on that cry, I ran out as fast as I could, and saw a man running in the street; I run into the house; I had never seen his face till I saw him in the room where he was taken.

Did you find any property at the Eagle and Child?——I saw a handkerchief with halfpence in it, but I cannot say whose possession it was in, he was fastened in the room, I believe the constable broke the door, he said he had nothing there but what was his own, and denied knowing any thing about it, and said we might search his lodgings.

Mr. Garrow. Were his lodgings searched?——Ruflingly searched, and there was nothing found, there was a pistol and vast quantities of keys hanging about, he denied at first giving any account of himself, at last he said he was a locksmith.

HENRY CLARE *sworn.*

On Sunday in the afternoon, I came home very near four o'clock, I live at No. 7, Robinhood-court, Shoe-lane, and they said there was a thief run in there, and that he was gone into the Eagle and Child; I went in for the paper, I went backwards, and the prisoner was sitting having part of a pint of beer, and according to the description this was the man, I said nothing to him, I went out of the door, I did not take notice whether any thing was besides him; I told the constable and the people that I thought he was within, and said I will stay at the door, I had the paper in my hand the mean time; I went in and said to the mistress of the house, these gentlemen are come in to see if that is the man; the prisoner came to the bar, and said what is the matter, he pushed by me, and ran as fast as he could, and I called to them that were backwards, and they came out directly after, and they followed him home to his own lodgings, where he run in, and I followed him up stairs, I never lost sight of him till he ran into the house, I heard somebody running before me up stairs, and I called to the constable to come up stairs, and he was taken there; the constable burst the door open, he had locked himself in, they knocked several times at the door, but he did not answer; when the constable began to burst open the door, he said what is the matter, I'll open the door, and he opened the door, and the constable said, you have a thief in the house, says he, I have no thief in the room; I looked at him, and said this is the person that was at Mrs. Brown's, take down the pistols from the mantle-piece, there were pistols over the mantle-piece.

NOAH DELFORCE *sworn.*

I live in Blackhorse-alley, Fleet-market, I was standing at master's door, on Sunday in the afternoon, and two men came running up the court, there was a gentleman in a blue coat and red cape, running after them, that was Mr. Chitty; he said he saw the two men come out of the tallow chandlers, they ran up the court, and they had a bundle under each of their arms, and a stick in their hands, they ran up Fleet-street, we ran after them, there we lost one of them, we ran up King's-head-court, there we met one of them coming by the King's Printing Office, with a bundle under his arm, I am quite sure that is one of them; a man in half mourning cried that is the gentleman, then

then he ran back through Robinhood-court, and I saw him go into the Eagle and Child in Shoe-lane.

SARAH GRANTAM *sworn.*

I lived at the Eagle and Child when this affair happened, but I am come away since; I saw the prisoner in the Eagle and Child, he had a bundle in his hand, and put it under his coat, and when he saw somebody come in doors he threw it down.

Did you see him come in?—No; I cannot say who took up the bundle, I ran out with the mob, I know the bundle if I see it, I am sure this man at the bar is the man that had the bundle, he had a kind of half mourning coat when he came to our house, but he changed it when he got in his room.

EBENEZER BROWN *sworn.*

I was sitting in my parlour, and I heard a bustle, and I went backwards and found this bundle of halfpence, I did not see the prisoner.

CAROLINE HEMMINGS *sworn.*

I live on New-street-hill, I was standing at my own door, the prisoner came by, and asked to leave a handkerchief there, I told him he was a stranger to me, and I would not have a handkerchief left, he said a person he owed a little money to was after him, I told him it should not be, I did not know him, I am sure the prisoner is the person.

JOHN STOCK *sworn.*

Between three and four in the afternoon I heard a noise, and I went down to see, and I saw Mr. Cover and Mr. Chitty talking together, and they asked me to go with them, I said we had better have a constable, so I fetched Mr. Rush the barber, in Shoe-lane, so we went to the Eagle and Child, and we walked backwards, the tap room is backwards, we turned ourselves about, but we could not see the person we were looking for, while we turned about, somebody said there he goes, there he goes; Mr. Clare run first after him, when he first went into the house where he lodged, he locked himself in, we went and searched for him and found him in the two pair of stairs, and the door was fast, we could make nobody hear there; we were going up further and somebody says he is in that room I believe, it was some child; the constable said if you will not open it, I will break it open, and the constable forced the door, he was stood up in his shirt sleeves, the prisoner said what is all this about, says I we came to look after such thieves as you, and I charged the constable with him, we searched the house and found a little bunch of keys, and there was a box, I insisted upon having it opened, there was a pistol hanging over the chimney, there were several old locks in the box, and small keys in bunches, then he was taken away.

What coat did he put on?—I cannot say.

Clare. He put on a kind of a sky blue coat, and there was an old great coat that hung over the other.

He was without a coat?—Yes.

Where was the coat he had taken off?—I cannot tell, I did not find it, I did not look for it.

Prisoner. They searched the room when they came in, and they found no other coat but the one that hung up, and a great coat, I never had a grey coat in my life.

Mr. Garrow. The constable looked expressly for that coat did not he?—Yes.

He could not find it?—No.

Prisoner. My Lord, and Gentlemen of the Jury, on Sunday I went into the Eagle and Child, there was one John Fisher that will be called was there.

MARY DAVIS *sworn.*

These are the halfpence I tied up, I know them by the way they were tied up, I never saw any tied up so before.

(The halfpence handed up to the Court.)

Court. What is there particular in this tying up?—I always tie them up in half a sheet of white brown paper.

How do other people tie them up?——In coarse I believe, I did not tie up this blue paper; I can take my oath these are my tying up.

How, how?—I generally put sixpenny-

worth of farthings in every five ſhillings worth.

Mr. Garrow. You was examined before the Alderman?—Yes, I there ſwore theſe bundles were my tying up.

Proſecutor. That young woman generally does tie them up.

PRISONER's DEFENCE.

On Sunday the 28th, I went into the Eagle and Child, and called for a pint of beer and the paper, I did not ſee the girl; immediately as I went in a man got up from his ſeat, and went haſtily out of the houſe, I went and ſat in his ſeat, I went out after I had drank my beer, I went into my own room and laid down, and pulled off my coat and hung it up; they knocked at the door, I opened it directly, they ſearched the bed and every place, they took down a brace of piſtols I had to clean for a gentleman who was here laſt night, but he was obliged to go into the country; at laſt the gentleman ſaid he was ſure I was the perſon, and I had a grey coat on, they looked all about and found no grey coat, I know nothing of it, if I had been guilty, I ſhould not have gone to the houſe I had uſed in the neighbourhood where I was known.

Court to Clare. Was there any other man like the priſoner at Brown's houſe,? ——No, Sir, there was nobody in the box but himſelf when I went in, there is one box with a hole in it four or five inches ſquare, that looks to the ſtreet, the priſoner ſat in that box; I never loſt ſight of the perſon that came out of Brown's houſe, there was nobody but himſelf before me, that went into the houſe where he was.

The priſoner called five witneſſes who all gave him a very good character.

Mr. Garrow obſerved, that there might be amongſt theſe half-pence a conſiderable quantity of bad half-pence, which would reduce the value.

Priſoner. My Lord, with ſubmiſſion to your Lordſhip, I have a witneſs that was in the Eagle and Child when I came in.

Court to Jury. I will hear the evidence of that witneſs, though a little out of courſe.

JOHN FISHER *ſworn.*

(Examined by the Court.)

I live at No. 24, in Shoe-lane, I am a journeyman watchmaker.

Who do you work with?—Mr. Charles Allen.

Where does he live?——He lives at the houſe, No. 42, I have lived there fourteen years.

Do you know the priſoner at the bar?—I have ſeen him before.

Do you know the Eagle and Child?—Perfectly well, I was there about four in the afternoon on Sunday the 28th of Auguſt, I went in to call for a pint of beer, I ſtaid, I ſuppoſe, about five minutes, when the priſoner came and called for a pint of beer, and ſat down in a ſeat where a man had juſt gone from, juſt as I had come in and ſat down.

Did you ſee that other man come in?—No.

What time did you go out of the houſe?——Juſt about four?

How long were you there before the priſoner came in?—I look upon it to be about five minutes.

Did you ſee the other man go out?—Yes, juſt as this priſoner ſat down.

Did you ſee any bundle?——None at all, not till after the priſoner came in a ſecond time, the priſoner went out a little time after the other man.

How long did he ſtay out?—I look upon it about five minutes before he was brought in by the conſtable; I did not ſee anybody follow him out, there was a diſturbance when he came in; there was a ſearch for a bundle; ſomebody ſaid a man had come in and left a bundle.

Court. Take care what you ſay; will you ſwear that before this priſoner went out of the houſe there was no buſtle in the houſe?——As the priſoner was going there came in ſeveral people, and made a piece of work juſt about the time he went out, and in five minutes he was brought in; I did not ſee any buſtle before he went out.

Did you ſee Mr. Chitty there, or the

conſtable?——I ſaw the conſtable and Mr. Cover.

Upon your oath, did they not come in before the priſoner went out?——I cannot ſay, I did not take notice, I cannot take upon me to ſay, I do not remember any thing about it.

How long was the other man gone before they came in?——He went before the priſoner did.

How long was he gone before Mr. Cover came in? — I ſuppoſe near ten minutes in the whole.

Do you know the maid Sarah Grantam? —Yes, I did not ſee her.

Do you know Mr. Brown? —— Yes, I did not ſee him till after the half-pence were brought; I did not go out till after the priſoner was taken, I was in the tap-room when he came in, and when the other man went out I ſtaid in the tap-room till the priſoner went out.

Court to Mr. Cover. Look at that young man?—I have been looking at him, I really do not think he was there, there were ſeveral women, and a man or two like a ſmith, bnt I do not think he was there at the time; I have no knowledge of his face.

Clark. I did not take notice of this witneſs; I took notice of two or three women in the box, and two or three men with them, but who they were I cannot ſay.

Sarah Grantam. I do not know this witneſs, I know he is an apprentice of Mr. Allen's.

Was he at your houſe at all on Sunday evening?——I did not ſee him at all; I do not remember his ever coming to the houſe at all; there were ſome people in the further box, the next box to where the priſoner ſat, I cannot tell whether he was one of them; I am ſure the priſoner is the man that put down the bundle, &c. and he knocked down ſome of his beer when he went out.

GUILTY

Of ſtealing to the value of 39s.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

821. JAMES LINCH was indicted for feloniouſly ſtealing, on the 1ſt of Auguſt laſt, one ſilver handle of a knife, value 1s. the property of Henry Cox.

A ſecond count, for feloniouſly ſtealing, on the 27th of Auguſt laſt, one other ſilver handle of a knife, value 1s. the property of the ſaid Henry Cox.

A third count, for feloniouſly ſtealing, on the 2d of September, two other ſilver handles of knives, value 8s. one ſilver table ſpoon, value 10s. the property of the ſaid Henry Cox.

HENRY COX *ſworn.*

I keep the Mitre Tavern in Fleet-ſtreet, the priſoner was my porter.

HECTOR ESSEX *ſworn.*

I live in the Strand, keep a ſale-ſhop; the priſoner came to my houſe about five weeks ago with a ſilver handle of a knife for ſale; I aſked him how he came by it, he ſaid it was his own property, an old family knife, it was of no ſervice to him, and he had broke it up for the ſake of the ſilver; he made a creditable appearance, and I purchaſed it of him, and he came again two or three days following, with another handle, either knife or fork; he came without his hat, and a plate in his hand, which convinced me he lived in the neighbourhood, to look at ſome things we had for ſale; when I found his reſidence, then I ſent to Mr. Cox, and in the evening I called at Mr. Cox's, and aſked the priſoner if he knew me, he anſwered no; I then produced theſe handles, and aſked if he knew them, he denied having any knowledge of them; the box was ſent for in the room where he was, and it was opened by himſelf, and there were ſome empty bottles, and a ſpoon, and two other knife handles, and ſome other things of inferior value, which I do not recollect; he immediately begged Mr. Cox's pardon, and ſaid he had the ſpoon to take phyſic with; upon which Mr. Cox ſent for a conſtable, and ſent him to the Compter; he gave no reaſon for the knife handle.

Produce the knife handle that you had from

from the prisoner?—I cannot tell which it is, I cannot positively swear to them, they being cut up.

Mr. Cox. When Mr. Essex came to my house we sent for the prisoner, and Mr. Essex accused him with these things, which he denied afterwards; I sent for the box, and he had the key of it; he opened it, and there was in it a spoon, engraved with Mr. Cole's name, Mitre Tavern, which is my property, I succeeded Mr. Cole; and there were the handles of two knives silver, and some bottles, they were my knife handles; he seemed to deny it, but I asked him what he did with the third knife handle that he offered to sell to Mr. Essex, he said, one of them was his; there were butter and cheese, and candles, and bottles, and several things.

(The spoon and the knife-handle deposed to.)

Mr Peatt, Prisoner's Counsel. You say the name Cole is on the spoon?—Yes.

The Mitre tavern, is a very old tavern I believe?—Yes.

I believe it is the custom of that house to serve all in plate?——Yes.

A great many of these spoons have been sold or lost at times?—Yes, some, but not lately.

You do not know the knife handles from any thing but their resembling the others?——No.

To Esser. You deal in old silver as well as other articles?—Yes.

PRISONER's DEFENCE.

Sir, I had the spoon up to take physic, there was physic in my box, I had the spoon three days in the house, the box lay on one side where I used to clean the knives and they dropped in.

How came you to carry them to Mr. Essex to sell?—No, I do not acknowledge that.

Mr. Peatt to Cox. The key was in his box?——He lays in the room below stairs by the door, there is never a lock to it.

GUILTY.

Transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

819. THOMAS SPENCER was indicted for feloniously stealing on the 28th day of July last, two black cloaks, value 21s. one piece of ribbon, value 1s. two pair of gloves, value 1s. five handkerchiefs, value 5s. three pair of ruffles, value 3s. one cap, value 1s. one tucker, value 6d. one laced tucker, value 6d. one packing trunk, value 4s. four stocks, value 4s. the property of James Campbell; and two handkerchiefs, value 2s. the property of Richard Bratten.

MARY CAMPBELL *sworn.*

I am wife of James Campbell, on Monday the 18th of July last, about half past nine in the morning I was sitting at breakfast in the side parlour, the prisoner was at the door of the side parlour, I saw him put the box under his arm, and I ran and caught hold of his coat with one arm, and with the other caught hold of the box; I am sure the man that was brought back was the same man.

JAMES CAMPBELL *sworn.*

I was sitting at breakfast, and I saw the prisoner going out with the box under his arm, she immediately ran out and caught hold out of his coat with one hand and the trunk with the other; she called out a thief, a thief; he got from her, I ran after him sixty yards, I caught him, and brought him back.

JOHN EDWARDS *sworn.*

I took the prisoner, this is the trunk, I have had in charge.

(The trunk and things deposed to.)

PRISONER's DEFENCE.

I was going for some work, I saw some people running, and I heard the cry of stop thief, and they took me.

The prisoner called one witness who gave him a good character.

GUILTY.

Transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

820. GEORGE DAVIS was indicted for feloniouſly ſtealing on the 15th day of Auguſt laſt, fifty-ſix pounds of tobacco, value 3l. and one linen bag, value 6d. the property of John Skynner.

WILLIAM CONWAY *ſworn.*

I do the duty of a watchman, on the 15th of Auguſt about half after ten, I was going along, I obſerved a noiſe within the Roſe Inn gates, and I ſtepped a little further on, and went down Chick-lane, I went into the penns, and waited twenty minutes; Mr. Skinner's manufactory is within the Roſe gate; after I ſtaid there about twenty minutes, I ſaw the priſoner come out with a bag, and he took it from the ground, I cannot tell whether he came out of the gates, or out of the next houſe, but I ſaw him take it up near the gates, within three feet, my attention was drawn another way, to a woman that ſtood juſt by, about two minutes, who I thought was going to be robbed; I aſked him what he had, I aſked him ſeveral times, and he would not give me ſatisfaction; when I was going to take him to the watch-houſe, he ſaid he was hired by a man, to carry it up to Iſlington for a ſhilling, he told me a name that I cannot recollect; when he came to the watch-houſe he was ſearched, and ſome looſe tobacco was found in the lining of his coat, and in his coat pockets, as full as they could ſtuff, and a piece of candle was found alſo, he ſaid nothing more; the bag that was found contained tobacco.

EDWARD RYLAND *ſworn.*

On the 15th of Auguſt, the priſoner was brought up to the watch-houſe, with this bag of tobacco, I ſearched him, and in each of his coat pockets this ſhag tobacco was, and in his waiſtcoat was this thick piece of candle.

BENJAMIN BROOKS *ſworn.*

I am ſervant to Mr. Skinner, on Monday the 15th, in the morning, I found the ware-houſe doors open, I took particular care to lock it on Monday, on Tueſday morning I found it open again, and while we were looking about, the patrol came and aſked if we had loſt any tobacco, we could not miſs that particularly.

(The tobacco produced by the conſtable.)

Conſtable. I have had it at the watch-houſe ever ſince.

Brooks. It is damaged tobacco, and over preſſed, it has laid a long while with us, and it is dry.

Wilſon. I ſwear to the tobacco, it was a particular hogſhead that we could not manufacture, it was not to the ſample, it was rather damaged.

But

But there might have been other damaged tobacco?—Yes, but it has gone through my hands ſo often, that I am clear in this tobacco, I could have ſaid it was his tobacco if there were fifty hogſheads.

Do you know the bag?—I know particularly well moving that tobacco, and I covered it with that bag; I know the bag going through my hands ſo many times, but there is no particular mark, I cannot ſwear to the bag.

Mr. Garrow Priſoner's Council. You ſay very fairly you cannot ſwear to the bag?—No.

If you had ſeen this unmanufactured tobacco, where it might have been mixed with a great many other caſks, would you have ventured to ſwear this to be your maſter's?—I think I could.

You might diſtinguiſh this from that which was not damaged?——Yes.

In what does this differ from any other hogſhead of damaged tobacco?——There might be ſome like it.

Proſecutor. I had fifty bags of them, I cannot ſwear to the bags, I know the tobacco.

Mr. Skinner, I ſhall not deſpair after this, to hear a man ſwear to a tumbler of water; be ſo good as to give ſome reaſons to the Jury?——This tobacco was ſent to me on the 15th of November, and opened in the month of November, and there it has laid ever ſince, and there is never a manufacturer in London would keep this tobacco ſo long in the ſtate I have done; I can ſwear to it among twenty hogſheads, I certainly know it as well as if it was a fixture to my houſe, and marked.

Now you argue that no other manufacturer in London would have kept it in that ſtate?——Becauſe it is an article they uſe more than I do; this is a tobacco for ſnuff, I have more of this ſort than I could uſe.

Will you undertake to ſwear this is not Fletcher and Yeates's?——No, it was not, becauſe it was in my warehouſe.

I do not like to treat a man of character, as I am obliged to treat you; do you know, of your own knowledge, that it is not Fletcher and Yeates's; their warehouſe as I recollect, is within two or three hundred yards of your place?—No, it is more than that.

I aſk you as a man of conſcience, knowing that they had at that time tobacco of that ſort, can you ſay it was not this?——This is dry.

Do you know theirs was not dry?——I do not.

For all you know, they might have had ſome preciſely like this?——I cannot ſay.

I do believe that you have the moſt conſcientious perſuaſion it is your tobacco?—Yes.

I will be bound for it you have; but I muſt advert to my old courſe, I ſee there is no diſcriminating; will you venture to ſwear that is your tobacco?——I will.

I aſk you upon your oath, in what does that differ from the tobacco, which you know was in poſſeſſion of Fletcher and Yeates?——Becauſe the caſe was packed up looſe.

——— CHAPMAN *ſworn.*

I know this tobacco by the quality of it, I believe it to be my maſter's property.

Suppoſing a man had been found with this tobacco, at the warehouſe of Fletcher and Yeates, could you have ſworn then it was Mr. Skinner's?——No Sir, no ſuch thing.

PRISONER's DEFENCE.

I was coming along, and a perſon aſked me to take this to Iſlington for a ſhilling, they had ſome in a handkerchief, and they aſked me to put ſome into my pocket, he was a ſtranger to me; I aſked him his name, and he told me his name was Farmer, I could not rightly tell, but I was glad to earn a ſhilling, I am as innocent as a child.

The priſoner called five witneſſes who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

821. ABRA-

821. ABRAHAM DAWSON was indicted for feloniously ſtealing, on the 9th Day of July laſt, one ſilver watch, value 40s. one ſeal, value 1s. one key, value 1d. and a hook, value 1d. the property of Edward Robinſon.

EDWARD ROBINSON *ſworn.*

On the 9th of July laſt, about eleven in the evening, I was going home to bed, and in Fleet-market, the priſoner met me, and he gave me a joſtle, and ſnatched my watch from my pocket, I followed him, and I found him laid down flat on his face; I ſaw Woodward get the watch from Barragen; the priſoner was never out of my ſight.

JOHN BARRAGEN *ſworn.*

As I was going down Fleet-lane to the market in July laſt, I heard the cry of ſtop thief, and the priſoner came with the watch, and cried ſtop thief; I took the watch out of his hand, I am ſure of that, and gave it to Charles Woodward.

Priſoner. That man and I had a long ſcuffle; I challenged him, and the thief got clear away.

CHARLES WOODWARD *ſworn.*

As I was coming down Fleet-lane I ſaw the priſoner call ſtop thief; he was running, ſo I ran up to the ſide of him, and there was another man met him full in the face, and he fell cloſe on his face, and he was trying to put the watch into a cellar, and I ſaw the other young man take it from him, and he gave it to me.

(The watch produced, and depoſed to.)

Priſoner. I hope you will hear my witneſſes examined.

Proſecutor and Roberts. We have had very great inſults from two or three people now at the door.

The priſoner's three witneſſes called in and ſworn.

Court. Let the other two go out; but let an officer go with them.

ROBERT MATTHISON *ſworn.*

I am a clockmaker in Shoe-lane, I work with Samuel Row, who lives the corner of Harp-alley; I am not come with a deſign to vindicate the conduct of the priſoner, nor do I know any thing of the robbery; I am come to let you know that I am ſenſible there is a man here that would not be here if it was not for the reward; a few days after the priſoner was committed, Woodward took an opportunity while I was in the ſhop with him, I am a ſhop-mate of his, to propoſe bringing ten pounds to me to go into the country, to be in partnerſhip with him; this was after the priſoner was committed, he ſaid I ſeemed ſurpriſed how he ſhould come by ten pounds, he told me if I would keep it a ſecret he would let me know; he ſaid he had an affair in hand that would bring in ſome money, upon which I promiſed ſecreſy, not knowing the buſineſs; at this time nobody was preſent but us two; he then told me, he had ſtopped a thief, I obſerved to him I did not think it was in his power, becauſe I thought he was ſo ſlight; he then acknowledged that Woodward took the watch out of his hand, and gave it to the owner, and that there was forty pounds reward, and ten pounds from the pariſh, and that he and the Iriſhman would have it between them, I told him that I thought it was more likely that the proſecutor and conſtable would have the reward; he ſaid that he knew better how to go about the buſineſs this time than he did the laſt, alluding to a ſimilar circumſtance, and that the patrol and the conſtable, and the proſecutor would have none of the money, for they did not know any thing about it.

How came you to think this would be at all material to the priſoner? —— As I was convinced in my own mind that he was actuated by a bad principle.

No bad principle at all if he ſpeaks the truth.

Court to Roberts. Has this witneſs miſbehaved? —— He was one of thoſe at the Pitt's head that was abuſing Woodward and called him blood-hound, and I told him yeſterday that if he perſiſted in that behaviour in order to intimidate an evidence I would

I would bring him into court, and he desisted upon that.

Woodward. Upon this they they have discharged me from my business.

Prosecutor. He has been with me once or twice to get what he could out of me.

Court to Roberts. Was Woodward attending here upon the court when this man insulted him?—Yes, my Lord.

This man knew that he was attending for that purpose?——Yes.

Court. Swear Woodward to that and I will commit this man to Newgate.

Woodward. Please your Lordship, he has been about to all the masters of the trade to hinder me from business.

Court. That is a very improper conduct, but not within the jurisdiction of the court?—We were in the publichouse yesterday getting a little refreshment, and he came in with two or three more, and he stood up, and after that he called out of the window as far as ever he could see me, ah! you blood-hound, you blood-hound, and the people got round so, he has done all he could to hinder me from attending upon the court.

Court. Let him be committed to Newgate.

JAMES MAUL *sworn.*

I live in Shoe-lane, No. 77, I am a clock-maker, I work for Mr. Rowe, the principal thing that I know is from the last evidence, that is from Matthison, from that I took occasion to ask Woodward if he would be an evidence against a man if it was not for the sake of the reward, and he asked me if I would work a week's work for my master, if I did not expect to be paid for it; I said no; then said he, what would you have.

Woodward. My Lord, this man has not insulted me while I was attending in the court.

Court. Then he may depart.

JAMES THORPE *sworn.*

I am a brass-founder in Peter-street, Saffron-hill; I was in company with the prosecutor one evening, and I heard him say he thought Mr. Woodward was a busy man, and he called out hold him fast, there is forty pounds reward.

Prosecutor. This man never insulted the witness.

Court. Let him go.

GUILTY.

To be transported for seven years.

Tried by the second London Jury, before Mr. RECORDER.

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822. JOHN LLOYD alias JONES was indicted for feloniously stealing, on the 12th day of June last, two black geldings, price 30l. the property of Mary Cooperwood.

There being a mistake in the indictment, the prosecutrix being called Mary Cooperwood *instead of* Mary Cooper, widow, *the prisoner was*

ACQUITTED.

Mr. Baron Hotham. This is not one of Mr. Shelton's indictments, we know he is very accurate.

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823. The said JOHN LLOYD alias JONES was again indicted for feloniously stealing, on the 12th day of July last, one black gelding, price 10l. the property of Joseph Oates.

JOSEPH OATES *sworn.*

I live at Cow-cross, I am a butcher, I lost a black gelding the 12th of July, from Holloway, in the parish of Islington, from a field, it was taken out of the field, and the lock broke, I saw it in the field the night before, I put a log on him; I found the gate broke, about seven, and the gelding was gone.

What particular marks had this gelding?——He had the mellanders, he was sore in

the joints, and in the bend of the knee, and carried his tail low.

How high might he be?—Fourteen and a half, or fifteen hands high; I enquired all round at pounds, and green-yards, and offered a reward, and one day last week I found him again in the custody of James Hoare; it was the same horse, he was very poor, and rode hard when he came back, he had the same malady; I said, I will turn him loose in Smithfield, and if he does not go home he is not my horse, we took and turned him loose in Cheapside, and he went home.

JAMES HOARE *sworn.*

I remember a horse that the prosecutor claimed, that I bought of Jones the 26th of July, I gave him a mare that I had of my own that I valued at six guineas, and two guineas in money, he said it was his own property.

Did he mention how long he had had it, or how he came by it?—No.

Where do you live?—I live at Shaftsbury, I knew the prisoner for fifteen months past selling horses there for Mr. Cooper, and Mr. Richardson and others, I have bid him money for horses before now, I know nothing more of the horse.

Mr. Garrow, Prisoner's Council. You made the exchange with him?—Yes.

You knew this man as a horse dealer?—We did.

Did not he go to all the fairs in the kingdom?——Down to the westward.

What may you be?——I am a butcher, I thought this horse would do for me, for he would draw; he said he had it from a butcher.

Did he tell you what he gave the butcher for it?—No.

Did he tell you he took his own horse out of the chaise?—No.

HUGH HORAM *sworn.*

Mr. Garrow. You have been in Court all the time?——Yes.

Court. What do you know of this horse that your brother bought?—The prisoner went by the name of Jones in our country, and he called upon me one morning, he had a horse that would suit, I went with him, but he wanted to sell the horse, this farmer wanted to try him, and he put him into a cart and drew him, but they did not deal, and I believe the very same day was fair day, and the next day my brother appointed to meet with him, and Jones recommended my brother to him.

Mr. Garrow. So he did this as publicly as any man could do, for he took you for a witness.

Mr. LANGHORN *sworn.*

We know you are a very considerable dealer in horses?—My father keeps a repository.

Do you know the prisoner?—We have sold for him within these two years a great number of horses, and likewise he has bought several in the fair way of dealing.

Jury. How long have you known the prisoner?——About six or eight months.

When did he deal with you last?——I cannot exactly say.

What name did he go by?—Lloyd.

Court. Is Aldridge here?——No, it is his selling day.

Prisoner. Please to ask Mr. Horam whether he bought the horse by day or night?——By day, the 26th day on the road.

Prisoner. I sold him the horse on the 25th, at the Five Bells, at Shaftsbury, where I always use to quarter.

Horam. I was not in the house that day.

Mr. Garrow. My Lord, we did apply to put of this trial till the next Sessions.

(The Jury desired to withdraw.)

Court to Jury. I think Gentlemen you ought to take it into your consideration when you go out, that it is too much for us here to ask him how he came by the horse, we cannot put such a question to the prisoner, we ought not to do it; at the same time he has made affidavit that there is a person he bought it of, and he has requested

queſted that he might have time to bring that perſon here, but the Court in my abſence refuſed to put off the trial.

Mr. Garrow. The man made affidavit with a ſubpœna annexed to it, for a Mr. Graſſman by name.

Mr. Shelton. The reaſon why the Court would not put off the trial was, he ſwore that he was adviſed, he was material witneſs.

Mr. Garrow. Adviſed and believes; he was adviſed by me that ſuch a witneſs would be a very material one, therefore he believed it to be true.

The Jury withdrew ſome time, and returned with a verdict

GUILTY, Death.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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824. JAMES RANDALL alias RICHARDSON was indicted for that he having been committed to Clerkenwell Bridewell for being a rogue and vagabond for the ſpace of ſix months, and having again been apprehended on Monday the 27th of June, with a piſtol and iron crow, and a dark lanthorn, was adjudged to be an incorrigible rogue, and ordered to be committed to the houſe of correction for two years, and afterwards on the 6th of July laſt, was committed to the ſaid priſon, and that he afterwards, and before the expiration of the term of two years upon the 6th day of Auguſt laſt, did feloniouſly break out and make his eſcape from the ſaid houſe of correction, againſt the ſtatute.

(The caſe opened by Mr. Fielding.)

ALEXANDER FENWICK, Eſq; *ſworn.*

Here is the office copy of the record, I have compared them, and they are true copies.

(Read.)

Do you know the priſoner?——Yes.

Was that the man committed to you by that order?——Yes, this is the man that was ſent to me as an incorrigible rogue, from the Seſſions Houſe; on the 6th of Auguſt about twelve or between twelve and one; my ſervant came to my bed-room door, and ſaid there was ſomebody ſhot, I aſked if anybody was ſhot, and they ſaid no, the priſoner was one of them that eſcaped.

CHRISTOPHER CRIDLAND *ſworn.*

I know the priſoner, I apprehended him on the 16th of May, I carried him before Sir Sampſon Wright, I afterwards carried him before the Seſſions, and in the month of June he was convicted as an incorrigible rogue, and ſentenced to two years impriſonment.

JOHN ATKINS *ſworn.*

I apprehended the priſoner the laſt time, I know him, he was confined with Mr. Fenwick, I apprehended him at large in Drury-lane, upon the 29th of Auguſt laſt,

Priſoner. I would not give the Court any trouble, I was the man that was at large, I was the man that eſcaped out of gaol, the gaol was all open, I broke nothing; as for my name being Richardſon, I never went by that name in my life.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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825. MARY GRAY was indicted for feloniouſly ſtealing, on the 27th day of July laſt, one tin box, value 1d. and one half guinea, value 10s. 6d. the property of Ann Steventon.

(Mr. Garrow, Counſel for the Proſecution.)

ANN STEVENTON *ſworn.*

I went to St. James's church, Clerkenwell, on the 24th of July, after the ſervice, I was

I was in the middle isle, and the prisoner and another woman were by me, and she put herself in a passion and pulled her cloak, and said what will you be at, and said she will tear my cloak, I said I know what you will be at; just at that time Isaac the constable clapped two of them on the shoulders, and said what do you do here; then I put my hand into my pocket, and missed my box with half a guinea in it, and a little bit of a receipt for an illness, this is the receipt and box; I swear to the box, I had it when I went to church.

Have you any doubt of the prisoner being the woman?——I am sure the woman that was committed was the person.

Mr. Peatt, Prisoner's Counsel. There were a great croud round you?—Yes.

She was the person that was taken in custody?——Yes.

What did you say about this?—Just as I say now, when they went to search her, I said it was not she that had the hat on.

You said before the woman she was a pockfretten woman?—That was the person the man found the box upon; but that was the woman that said I pulled her cloak, I did not particularly mind the other woman.

——— ISAAC *sworn.*

I attended this charity sermon, I happened to go into the church, just at the time that the hymn was beginning to be sung by Mrs. Wrighten, and I saw a shuffling piece of work between this lady and this woman, I took out two women, one with one arm and one with the other, and the box lay down just by the prisoners feet, I cannot pretend to say from which the box fell, I said before the Justice, I believe it fell on her side, and that it might drop from her.

Court. What did you take the prisoner for?——This lady said they were about her picking her pockets.

Jury. You knew them before?——I have seen them, Sir, I cannot say how often.

Mr. Peatt. If I understand you right, it was only a conjecture of yours, that it dropped from that woman?—That is all.

That is what you said before the Justice?——Yes.

You did not directly charge the prisoner?——No.

Court to Isaac. Had not you seized these two women for something, before this lady made a complaint?—Yes, when I heard the noise, I took them both out together.

The prisoner called three women with whom she had worked, who all gave her a good character.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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826. THOMAS UNDERWOOD and JOHN MARSHALL were indicted for feloniously stealing, on the 29th day of June, forty two pounds weight of leaden pipe, value 3s. 6d. belonging to John Ardesoif, Esq; affixed to his house, and two brass cocks, value 6d. his property, having no title or claim of title to the same or either of them.

(The witnesses examined apart at the request of the Prisoner.)

JAMES ALLIS *sworn.*

I know the house of Mr. Andersoif, the corner of Bear-alley, it is uninhabited, there was some lead pipe lost, and two brass cocks; I saw some lead in a bag at the house, when the prisoner was apprehended, which I can swear to one brass cock was fixed to the cistern, and the other let water into the sink; they were compared and fitted exactly.

SAMUEL FOXHEAD *sworn.*

On Wednesday morning I got up about six, and James Streetman came and fetched me over to his room, which is in Greenarbour-court, and looks into Seacoal-lane, and I went down, and by Breakneck-steps,

Thomas

Thomas Underwood who ſet upon the ſteps ran away, and I ran after him, ſuppoſing him to be one of them, there were two men, one of them had a bag in his hand which he delivered to Underwood and ran away; the priſoner Marſhall is not the man that brought the bag to him, Marſhal was there, but he did not attempt to run away, I took him into cuſtody, and Streetman took Underwood.

How far are theſe ſteps from the proſecutor's houſe?—Not ten yards, I ſaw them all three coming from Mr. Ardeſois's houſe they were coming in that direction, but whether they came out or no, I do not know, I heard no converſation between the priſoners, they did not come together, they had not an opportunity to talk to one another while we had them.

How ſoon after did Marſhall come to Underwood?——Directly.

JAMES STREETMAN *ſworn.*

I aroſe on Wedneſday morning, between five and ſix, and I ſaw the two priſoners and another man break into this houſe, I live oppoſite to it, it was quite light, the priſoner Underwood opened the door, and let two men in, and they ſhut the door and Underwood ſat down on the ſteps, and I ran and called Foxhead and his man, they came into my room and I ſhewed them, I afterwards ſaw Marſhall come out of the houſe, and the other run away; the pipe and cocks were all compared and anſwered; I am ſure it is the ſame.

(Produced and depoſed to.)

WILLIAM BARNEY *ſworn.*

I am a chape filer, I was going to work on the morning this affair happened, I had juſt been calling my maſter up, and he was telling me what work to go about, and I ſaw two men come out of this houſe, there were three went in, and the ſecond that came out had a bag on his ſhoulder, he gave it to Underwood, and he run away, and went down Seacoal-lane, the two men were taken to the Compter, and the bag; I ſaw the bag opened in the Compter, and there was ſome lead and two braſs cocks.

JOHN BERRY *ſworn.*

I ſaw the priſoner in cuſtody, and Streetman had the bag, I took the bag from the Compter to my houſe, and kept it till their commitment, I think I can ſay they are the ſame things that I gave to the conſtable.

PRISONER UNDERWOOD'S DEFENCE.

I was going to work, and ſat down to buckle my ſhoe, and a man came and aſked me to carry this lead, he ran away, and they took me.

PRISONER MARSHALL'S DEFENCE.

I was behind and they took me, I never was in the houſe, nor ever ſaw this priſoner before, I was going home to my wife.

RICHARD LANEY *ſworn.*

I am a bell-hanger and jobbing Smith, I work for myſelf, I am a houſe-keeper, I live in Chick-lane, I have known him about a twelvemonth, I never heard any harm of him before, I believe him to be an honeſt man, whatever I ſaw of him; on the 30th of June laſt, Streetman came down to the Crown, to my houſe, and he ſent for me to the Crown oppoſite Chick-lane, and he aſked me if I knew Thomas Underwood, I told him I did, and that I heard he was in trouble, which I was very ſorry for, never hearing the like before; but ſays he what can I do, I am a ſoldier, and all my neceſſaries are in pawn; and I ſaid what can I do in the affair, why ſays he, as you are a houſe-keeper, if you will be ſo kind as to ſign a note for twenty ſhillings and pay me five ſhillings of it, as you know him, I will ſay no more about it; and I took a ſecond conſideration, and I thought he muſt be a very bad man, ſo I thought I had better pay for a pot of beer and go my ways.

Upon the oath you have taken, all this is a fact?——Yes, Sir, it is.

Court to Streetman. What are you?—I work in the coffin handle way.

Are you a ſoldier?——Yes, I went to the Crown along with another young man, he told me he could help me to the other man that ran away from us.

Did any of that converſation paſs which Mr. Laney has ſworn now?——So far as this, he ſaid he was ſorry, and I ſaid I was ſorry; but no money was required, never a word paſſed about the twenty ſhillings, and five ſhillings down; I never made any offer of that kind about a note, I went the next morning and told Mr. Foxhead about the circumſtance, and we went to Laney's houſe the next day, and there we ſaw the other man that run away from us, we were affraid to take him then.

Court to Laney. Did either of theſe priſoners ever lodge with you?——Neither of them, Underwood has worked for me, and did ſo the ſame week, on the Monday; I know nothing of the other.

What man was that that was at your houſe, when the other witneſs came?——I cannot pretend to ſay who it was that might come there, I was preſent at the time, there was a man that came to buy a pound of old nails, and I ſold him ſome for two pence halfpenny, but who he was, I do not know.

Court to Foxhead. Who did you ſee there?——I ſaw the man that was with this man, I am pretty ſure it was him that was in Mr. Laney's back kitchen, he turned his back; and I ſaid to him in the preſence of Mr. Laney, young man, you was with them, but I have not taken you.

THO. UNDERWOOD, JOHN MARSHALL, } GUILTY.

Each Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. ROSE.

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827. JAMES KENNEDY and MICHAEL BRADBURY were indicted for feloniouſly ſtealing, on the 2d day of July, one piece of wood of the length of twelve feet, value 5s. the property of the Mayor and Commonalty of the city of London.

The Caſe was opened by Mr. Garrow.

EDWARD RIGBY *ſworn.*

I am a labourer and conſtable at Guildhall; on the 2d of July laſt, I ſaw the priſoner Bradbury, with a piece of wood on his ſhoulder, and the other in company; I ſaw them under the Piazza; we had loſt one piece about two days before, I ſaw Bradbury take the piece of timber, and put it on his ſhoulder, the other was in company all the time; I followed them into Aldermanbury, I got a man to aſſiſt me, I took him, and he threw down the timber. The priſoners talked together ſome time before they took the piece.

Did you ſee the priſoner Bradbury alone move this timber, and put it on his ſhoulder?—He took it without any aſſiſtance.

Did you ſee the other man do anything?—No further than go away quite cloſe together in company, he was rather before him.

Did any of them ſay anything?—The other man ſaid, what do you take me for, what have I done? as ſoon as I collared him.

PRISONER KENNEDY'S DEFENCE.

I know nothing about the wood, I was going to my work.

The priſoner Kennedy called five witneſſes who gave him a good character.

PRISONER BRADBURY'S DEFENCE.

I ſaw the piece of timber lay under the Piazza, among ſome rubbiſh, I did not know it was of any uſe, and I took it home for fire-wood.

JAMES KENNEDY, NOT GUILTY.

MICHAEL BRADBURY, GUILTY.

Whipped.

Tried by the ſecond London Jury before Mr. ROSE.

828. JOHN

828. JOHN GILES was indicted for feloniously ſtealing, on the 28th day of July laſt, thirteen pounds weight of moiſt ſugar, value 14s. 6d. the property of a perſon unknown.

There being no proof that any ſugar was loſt, the priſoner was

ACQUITTED.

Tried by the ſecond London Jury before Mr. ROSE.

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829. ROBERT CANE was indicted for feloniouſly ſtealing, on the 24th day of June laſt, three pounds and an half of tobacco, the property of a perſon unknown.

GEORGE PHILLIPS *ſworn.*

I am a lighterman, I was at Juſtice Key, and ſaw the tarpaulin ſhake, and I ſaw a man give the priſoner ſome tobacco; he begged for God's ſake that I would let him go; I took two pounds of tobacco from the priſoner; he ſaid, I will never come any more, I will never do ſuch a thing again; I took him into cuſtody, I ſaw the hogſhead full about two hours before.

Priſoner. Did not I ſhew you the man that gave me the tobacco?—I ſaw the man that gave him the tobacco; he received it from him, he made his eſcape from one of the other watchmen.

JAMES HINDLE *ſworn.*

I am a conſtable, and they ſent for me, and pulled out a pound and an half of tobacco out of the priſoner's breeches, it was the 24th of June, and I took him to the Compter about one; I have had the tobacco ever ſince.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. ROSE.

830. WILLIAM CONEY was indicted for feloniouſly ſtealing, on the 9th day of September, ſix pounds weight of tobacco, the property of perſons unknown.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. ROSE.

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831. GEORGE SHIRLEY was indicted for feloniouſly ſtealing, on the 9th day of July laſt, two braides of human hair, value 6s. the property of John Saunders.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. ROSE.

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832. GEORGE SHANDOW was indicted for feloniouſly ſtealing, on the 12th day of July laſt, one linen handkerchief, value 6d. the property of Thomas Francis.

The priſoner was detected in the fact, and the handkerchief taken out of his breeches.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. ROSE.

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833. JOHN HICKS was indicted for feloniouſly ſtealing, on the 12th day of September, one printed book of muſic unbound, called Peeping Tom, value 6s. the property of John Darbey, Eſq.

JOHN WILLIAMS *ſworn.*

I am ſervant to John Darbey, Eſq. in the month of September, I loſt the property oppoſite Furnival's Inn, in Holborn; I went to Saint Paul's Church-yard, for Peeping Tom; it is a printed book of muſic unbound, I gave 6s. for it; I called for a hat-box on Ludgate-hill, and the priſoner

fonet came on the ſide of me, and picked this out of my right hand coat pocket, it was my maſter's property; he gave me the money to pay for it; I ſeized his hand and the parcel againſt my ſide, it was quite out of my pocket, I collared him, and he made reſiſtance by which I tripped him up, and ſome others come up, and had him committed; the priſoner knocked me down three times; there were ſeven or eight came round me.

Priſoner. I am quite innocent.

GUILTY

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. ROSE.

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834. THOMAS LEWINGTON was indicted for feloniouſly ſtealing on the 30th of July laſt, two checque linen aprons, value 3s. five cloth aprons, value 2s. 6d. three pair of pockets, value 18d. one gown and petticoat, value 2s. 6d. two bedgowns, value 2s. one ſhift, value 2s. one flannel petticoat, value 6d. one pair of pattens, value 6d. one black ſilk petticoat, value 2s. two yards of black ſilk ribbon, value 1d. two ſilk handkerchiefs, value 2s. 6d. three pair of white cotton ſtockings, value 1s. one pair of ſtays, value 1s. and one deal box, with an iron lock, value 1s. the property of Rachael Blackburn.

RACHAEL BLACKBURN *ſworn.*

On the 30th of July laſt, I loſt the things mentioned in the indictment; I lived ſervant with Mr. Moore in Cheapſide, and I ſent my box to Iſlington by the errand cart; I am ſure the things were all in the box, I helped to carry it; there is my name on the box, in my own hand-writing, the box was locked when it was taken, I locked it and corded it; when I ſaw it again my things were all there.

——— GODFREY *ſworn.*

I ſaw the priſoner take a deal box out of a cart that ſtood in Cheapſide, on Saturday the 30th of July, between one and two at noon; I have ſince learned that the cart belonged to a man of the name of Jones, I ſaw *Iſlington errand cart* wrote in large letters, I cannot ſay I ever ſaw the priſoner before, I am ſure he is the man, he took the box out of the cart, and put it upon his ſhoulders, and croſſed Cheapſide, I was on the contrary ſide of the way; I let him get upon the pavement, then I followed him and ſecured him, and as he turned round I took the box into my own hand, and delivered him and the box to Warren the conſtable, who was ſtanding at Mr. Deputy Clement's door.

Was he out of your ſight?——I believe there was a hackney-coach paſſed.

THOMAS WARREN *ſworn.*

I am a conſtable, I had been to deputy Clements, and was ſtanding talking to his foreman, and Mr. Godfrey delivered the priſoner and the box into my cuſtody; I have kept it ever ſince, there is a lock upon it, and corded; it was opened by the proſecutrix, when we came to prefer a bill.

(Produced and depoſed to.)

Priſoner. I have nothing to ſay.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond London Jury before Mr. ROSE.

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835. JOHN RICHARDSON alias RICHMOND was indicted for feloniouſly ſtealing on the 29th of Auguſt laſt, one pewter pint pot, value 6d. the property of Thomas Berwick.

The priſoner was taken with the pot in his pocket.

GUILTY.

Fined one ſhilling, and delivered to his officer.

Tried by the ſecond London Jury before Mr. ROSE.

836. LYON

836. LYON EUCHEL was indicted for feloniouſly ſtealing, on the 24th day of June laſt, twenty-four pair of white ſilk ſtockings, value 8l. and three pair of black ſilk ſtockings, value 20s. three pair of coloured ſilk, value 20s. and one pair of patent ſtockings, value 12s. the property of Robert Blackburn.

(The witneſſes examined apart at the requeſt of the priſoner.)

ROBERT BLACKBURN *ſworn.*

I keep a hoſier's ſhop, No. 30, in the Poultry; the priſoner at the bar came to me on the 24th of June, between two and three, and aſked to look at ſome ſilk ſtockings; I heſitated to ſhew him any, till he ſaid they were not for himſelf, they were for his captain; while I was taking the ſtockings down, he took a bit of paper out of his pocket, and ſaid he wanted a dozen of men's white ſilk low priced ones, ſix pair of higher price fine ones, and ſix pair of ladies white ſilk, three pair of men's black, and three pair of coloured, and one dozen of patent ſilk; them I told him I had not in the houſe; I ſhewed him part of them; he ſaid if I would bring them to his lodgings, No. 1, Bow-lane, Cheapſide, at five o'clock, the captain would be there, I went there at five, and aſked for him, I was ſhewed up ſtairs into a dining room, and he was up two pair of ſtairs; he came down ſtairs; I ſaid where is the captain? he ſaid he is not come in, I ſhall ſtep with the ſtockings, and be back with the money in five minutes; for perhaps he may not keep all the ſtockings, them that he keeps I ſhall bring the money for, and he aſked me to make him a bill of them, I told him no, I would not make a bill, as I did not know who they were for, or whether he would keep them all, but I had an account on a bit of paper, and he took that with him, and the ſtockings off from the table; when he had got the ſtockings under his arm, he took a pair of patent ſilk ſtockings and put into his pocket, and ſaid, I will ſhew theſe to the captain, if he likes them, you may get him a dozen of them, then he had got the ſtockings under his arm; it ſtruck me he was going to rob me; I took my hat and was following of him, he looked behind and ſaw me, and he knocked at the door oppoſite, and ſaid to the woman, will you walk in Madam, and ſhe came in and began to talk about the weather, or ſomething or another, he went off, and I waited there two hours; I never ſaw him after till the Wedneſday following, when he was taken with the patent ſilk ſtockings on, I ſaw them taken off his legs, there was a bit of orange colour ſilk in the patent ſilk ſtockings in the top; the others that he pawned had a mark on the foot.

That is uſual?——It had been wrought in by ſome means or other; it was not half an inch long.

Are you ſure the man you found in the Compter was the ſame man?——I am poſitive that is the man, I have no doubt at all about it.

THOMAS TIBBALS *ſworn.*

I called at Mr. Blackburn's with an order on the 24th of June, the priſoner at the bar came in while I was there, he ſaid he wanted to look at ſome low priced mens ſilk ſtockings; Mr. Blackburn reached them down, he ſaid he wanted two or three dozen, Mr. Blackburn ſaid he had them at the trimmers, and ſhould have them in the courſe of an hour or two, accordingly the priſoner left an order directed to No. 1, in Bow-lane; I let Mr. Blackburn have ſome of the ſtockings that the priſoner had, I ſold him a dozen of mens white ſilk ſtockings, and ſix pair of womens; and the ſix pair of mens he parcelled out, and I ſaw Mr. Blackburn go out of the ſhop with ſome ſtockings; I took the priſoner in Saint George's Fields the day the balloon went up, about eleven weeks ago, I think it was the Wedneſday or Thurſday; after he had been in the ſhop, there was another gentleman with him, he came back with me, and I aſked him what he had done with the ſtockings, and he told me he had pawned ſix pair, ſix pair he had at his lodgings, and a dozen and half he had left with Captain Richardſon, I

brought him to Mr. Blackburn's ſhop, and when the conſtable took charge of him, he would not give any direction to this Captain Richardſon; in examining his pockets the conſtable found in my preſence a duplicate for ſix pair of ſtockings, and he had two or three bills upon him on ſome of the firſt houſes in town that were paſt due.

Priſoner. Was not you in Mr. Blackburn's ſhop?——Yes.

You heard when I agreed with Mr. Blackburn for the prices? — There was no agreement at all, you ſaid you was not particular to prices; you left an order for them.

Priſoner to Blackburn. What time was it when you brought them ſtockings home to my lodgings? — Five o'clock, but I underſtood they were for the Captain.

Priſoner. I bought the ſtockings in the ſhop; I told him to bring them to my lodgings.

Court to Proſecutor. Did you ſell the ſtockings to him in the ſhop?——No.

Proſecutor. We enquired for Captain Richardſon, but could not find him.

CHARLES PORTER *ſworn.*

I took in half a dozen pair of ſilk ſtockings about ſix or ſeven in the evening.

Are you ſure it was in the evening?—— He had ſix and thirty ſhillings upon them; he was a quarter of an hour in the ſhop; we have frequently new goods brought in to pledge by ſhop-keepers; I took him for the owner.

TIMOTHY HARRISON *ſworn.*

Theſe ſtockings I took off the priſoner's legs; I have had them and the others in my poſſeſſion ever ſince.

(Depoſed to)

PRISONER's DEFENCE.

On the 24th of June I went to Mr. Blackburn's, I told him I had an order for one dozen of patent ſilk-ſtockings, one dozen of white ſize pair of ladies, three pair of black, and three pair of coloured; he ſaid nobody could ſell me better; he ſhewed me the ſtockings, and I appointed five o'clock for him to bring them home; he brought them home without a bill, I gave him pen, ink, and paper, and he wrote a bill, and I took one pair of the patent ſtockings to my own uſe; and now Mr. Blackburn indicts me for feloniouſly ſtealing, but I dare ſay you ſee it is not ſtealing where a perſon ſells goods, and brings them home, and delivers a bill of parcels; I went to the New York Coffee-houſe to ſee for the gentleman I had the order from, but he was not there, and coming back I met two acquaintances, who aſked me to ſpend the evening with them, and I did not return to my lodgings; I pawned ſix pair of the ſtockings. Now, my Lord, and gentlemen of the jury, I leave it to you, whether this is ſtealing or no.

Court to Proſecutor. I underſtand you ſaying you had not ſold the ſtockings to him?——No, my Lord, it is no bill, it is only a memorandum of the ſtockings.

Priſoner. It is a bill, it is a fair bill; "Bought of Robert Blackburn."

(Court looking at the bill.)

How long has this paper been in your poſſeſſion? — Ever ſince the priſoner was committed.

Look at it carefully before you anſwer my queſtion; is that paper in the ſame ſtate it was when it firſt came into your poſſeſſion?——It is in the ſame ſtate it was; it has been worn and torn about, and in my pocket all the ſeſſions.

Look at the top of the paper, upon your oath, is not there a line cut off from the top of that paper?——I will not ſay that there is not, it may be torn off.

Is not that paper your hand-writing?— Yes.

Then you can ſay whether there was another line upon the top of it?——There might be, before I cut off the ſheet of paper which I gave him in the room.

I aſk you now, upon your oath, was there not a line upon it? ——I will not ſay whether there was or was not, if there was another line it was my name that was upon it.

Was not the firſt line "Bought of Robert Blackburn."

I believe that was upon the paper.

No

Now give me the paper; who adviſed you to cut that line off the paper?——I did not cut it off, it was tore off.

It is not torn but cut, and upon the credit of that, the Jury will decid who did cut that off?——I do not know that any body did.

That never was tore off by accident.

Court. Gentlemen of the Jury, however guilty the priſoner may be, his piece of evidence that now appears, materially affects the credit of the proſecutor, who is the principal witneſs; and where there is a meaſuring caſt, perhaps you may hardly think it ſafe to rely upon it; if the ſtockings were ſold to the priſoner, and they were delivered, it will not be a felony, provided there was a complete ſale, and only a failure in payment.

Tibbal. I ſaw the bill at Guildhall, if I look at it now I can tell, *(looks at it)* yes, there is a line off, which was, I remember, "Bought of Robert Blackburn" but there was no name at all of the purchaſe.

NOT GUILTY.

Court to Mr. Blackburn. Whoever adviſed you to make that alteration in the paper, gave you very bad advice, it is not the conduct of any perſon that proſecutes for public juſtice.

Tried by the ſecond London Jury before Mr. RECORDER.

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837. ELEANOR ARMSTRONG, aged ſeventeen, was indicted for feloniouſly ſtealing, on the 29th day of July, one check apron, value 1s. a frock, value 3d. a pair of ſtockings, value 3d. a petticoat, value 3d. two caps, value 6d. a ſhirt, value 1s. a handkerchief, value 1s. the property of Martha Gray; one ſhirt, value 1s. a pair of breeches, value 10s. the property of John Johnſon.

The things were found at different pawnbrokers, upon the priſoner's voluntary confeſſion.

GUILTY, 10d.

Fined 1s. *and paſſed to her pariſh.*

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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838. ABRAHAM PROSSER was indicted for feloniouſly ſtealing, on the 28th day of July laſt, ſixteen pounds of moiſt ſugar, the property of perſons unknown.

There being no evidence to affect the priſoner, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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839. GEORGE KITCHIN and JOHN WINSHALL were indicted for feloniouſly ſtealing, on the 15th of September, four gallons of rum, value 30s. the property of John Drinkall.

There being no evidence againſt the priſoners, they were

BOTH ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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840. WILLIAM HALES was indicted for feloniouſly ſtealing, on the 4th of July laſt, twelve pounds weight of tobacco, value 12s. the property of a perſon, or perſons, unknown.

JOSHUA GREGGS *ſworn.*

I am an officer of the cuſtoms, and ſuperviſor of the watch, the priſoner was a watchman of the cuſtoms; I happened on the 3d of July to watch a lighter near Billinſgate; on the 4th of July, in the morning, I was informed that William Hale was committed

committed to the Poultry Compter, upon which, knowing that I had apppointed him to the lighter of tobacco the night before, I went to examine this lighter, and found that a hogſhead was plundered; he was ſet on the ſecond watch, that commenced from twelve at night, till ſix in the morning; there were five or ſix pounds gone out of the hogſhead, I only ſpeak to the beſt of my judgment.

Can you ſay with certainty that ſome of it was miſſing?——Yes.

Mr. Garrow. Was you ſupervisor that morning?——Yes.

The priſoner was employed then, as he had been on other occaſions as an extra watchman?——Yes, two or three years.

Was he employed in the India-houſe?——It was his duty if he had ſeen anybody plundering theſe lighters to ſtop them, and bring them down to his Majeſty's Ware-houſe, the priſoner was deemed in the Cuſtom-houſe as an honeſt man.

JOHN HUSSEY *ſworn.*

I am an apprentice to Mr. Jefferys, in Thames-ſtreet, he is an ironmonger; I firſt ſaw him with this tobacco about him, oppoſite to Dice's-key, between one and two; to the beſt of my knowledge and judgment, there were twenty four or twenty five pound, there was as much as would fill a large hay baſket; my maſter ſtopped him, the tobacco was concealed in his coat, and his pockets, and up as high as his breaſt, he had a great coat on, it was in the pockets of his great coat, and in the pockets of the other, it was buttoned up between his great coat and waiſtcoat; when my maſter ſtopped him, he aſked what he had there, he ſaid he had a little tobacco from on board a ſhip.

Did he ſay what ſhip?—No.

Did he deſcribe what ſort of a ſhip?—No.

Did he uſe he word ſhip, or lighter?—Ship; my maſter charged the watch with him; I went by my maſter's orders to get a conſtable, and during the time he came down, I aſſiſted him in taking the tobacco from the priſoner; the priſoner ſaid, pray let me throw the tobacco into a paſſage, which leads to our houſe by a private door, but that was objected to; I told him not to throw it in, but throw it out before the watchman who had charge of him, which he rather ſeemed to object to; and when the tobacco was all thrown out from his clothes, I went and fetched a baſket from out of the ſhop, and put it in, and I had much to do to preſs it down, and after preſſing it, and kneeling upon it, there was more than would fill the baſket; the priſoner very much objected to be tied.

Mr. Garrow. How happened you to be out at that time in the morning?——I was with my maſter.

What were you doing?——My maſter had a few friends at his country houſe, and in going home with his friends he was inſulted by the watch, he told the watchman he did not underſtand his meaning in being inſulted; he went home with his friends, and came back to his houſe, and begged of me to go with him to the watch-houſe, I went to the watch-houſe, and enquired into the ill behavour, and ill treatment of the watchmen towards him, they did not ſeem to pay any attention to what he ſaid; coming to the door I met the priſoner.

Was anybody with you when you met the priſoner?—No.

Where is your maſter's country houſe?—At Hackney.

What time did you return?—Near ten.

A little jolly?—Not at all.

How had he ſpent his time till half paſt one?——In going home with his friends, in coming back, and going to the watch-houſe; he went home with his friends to Water-lane, near the Cuſtom-houſe, he returned between ten and eleven.

What did he do with himſelf from that time till half paſt one?——He went to the watch-houſe.

Was not your maſter out of humour that night?——I do not know that he was.

Was he or was he not out of humour?—He was not Sir.

Do you mean to ſwear that?—Yes, he was in as good humour as he is generally.

Then

Then this good humoured man, at half paſt ten went out ſettling a diſpute; do you mean to ſwear that he was in perfect good humour, and that he ſtaid three hours and a half?—He was two hours and a half.

Then this good humoured man was two hours and a half ſettling a diſpute, you admit that?—Well then, Sir, it ſhall be ſo.

Do you remember this priſoner ſtating, that ſomebody had ſtolen this tobacco, and that he ran after them and picked it up?—No.

Was he bailed afterwards?—I heard ſo.

What Judge bailed him?——I do not know.

Do not you know it was one of the Judges of the King's Bench?—I preſume nobody elſe can.

Do you remember your maſter ſaying anything about paying the piper for all this?—What is paying the piper?

Did you never hear him ſay any thing of that import?—No.

He never did ſay it?——No, not till the tranſaction happened.

Ho! ho! how long have you been an ironmonger, they have ſpoiled you very much! did not your maſter ſay ſomething of this ſort, that the watchman having uſed him very ill, he had reſolved to make the priſoner ſuffer for it?—No, Sir.

You ſwear he did not?—I will, he never ſaid he would take up any watchman, or make a watchman ſuffer for it.

Was not you in liquor?—I never was any ways diſguiſed in liquor.

Did this tranſaction happen as you have ſtated it?—Yes.

Are you ſure the priſoner is the perſon on whom the tobacco was found?—Yes.

HUMPHRY JEFFRYS *ſworn.*

I am an ironmonger, I have nothing more to ſay than what my young man has related; on the 3d of July my friends came to ſee me at Hackney, and ſtaid till ten; at ten I arrived in Thames-ſtreet, I then went with them to Water-lane, and went from their houſe between ten and eleven, and I ſaw ſome very ſuſpicious people; I ſays to one of the watchmen, I wiſh you would give ſome little attendance, for I ſee ſome people that appear very ſuſpicious; this is a watchman whoſe name I do not know, but I gave information to the conſtables; his reply was, d——n you, I do not know anybody looks more ſuſpicious than yourſelf, and if you do not get away I will ſend you to the Compter or the watch-houſe, and I thought he would; I told him I would pay him another viſit, and I went to my friends, and ſtaid half an hour, then I came back, and ſaw this watchman off his ſtand, and two men attempting to ſteal ſomething; I then went and took my young man, the laſt witneſs, to the watch-houſe, to make a complaint to the conſtable of the night, and to the watchmen, and he went with me to the watch-houſe, and when we got there he was gone his rounds, and I ſtaid there till he came in, and in coming back I ſtopped the priſoner at the bar, very much ſtuffed, I imagined he had ſomething that was not his own property; there was nobody with him.

At that time he was quite a ſtranger to you?——Yes, I never ſaw him before, to the beſt of my knowledge; I ſtopped him near Dice key gate-way, he was walking towards the Cuſtom-houſe, I aſked him what he had there, he ſaid a little tobacco; I aſked him where he got it from, he ſaid from on board a ſhip; I charged him with the watch, who was near me, he went into a paſſage, and there he begged to unload himſelf; I ſaw the tobacco pulled from him, he had it all about him, particularly about the ſkirts of his great coat.

Had he any between his coat and waiſtcoat?—I am not particular to that, I gave charge of him and the tobacco; my young man put it into a baſket, like a hay baſket, and he had a good deal of trouble to put it in, but that may be the lightneſs of it, the conſtable has had it ever ſince.

Mr. Garrow. It was not till the third examination that the priſoner was committed, did you attend at the firſt and ſecond?——I did.

Did you tell your ſtory?——Yes, my ſervant did not attend; I told my ſtory as I have done now, with the ſame particulars, the firſt, ſecond, and third time.

You ſwore to your account, did not you?——I did not.

Did you at the ſecond?—I did not.

Did not you receive notice of the news of the perſons that would be bail?——I did.

Was he going the direct way to the Cuſtom-houſe?—No, I think not, the direct way is the foot path, he was in the road way.

Upon your oath, was he or was he not in the direct road to the Cuſtom-houſe?—He was not, becauſe he was not on the foot path.

We have had evidence that you are a good natured man, do not put yourſelf in a paſſion, I will have an anſwer if I ſit here till midnight; upon your oath, was he in the direct way to the Cuſtom-houſe?——Upon my oath I do not believe that to be the direct road for a foot paſſenger, becauſe he was behind the corner of ſome buildings.

I aſk you, Sir, whether that ſtreet is not the direct road to the Cuſtom-houſe?——It is certainly; but I will not be brow beat by any man.

Nor am I ſo young in my profeſſion to be brow beat by the greateſt ironmonger in the kingdom; the man was in Thames-ſtreet, and Thames-ſtreet was in the way to the Cuſtom-houſe?—Yes; when it was weighed it weighed twelve pounds and three quarters, but from the appearance it was more.

Was that caſk out of which it was taken ever weighed or no?——I know nothing of the caſk.

Do you know whether it was weighed or no?——I do not know.

What ſort of tobacco was it?——It was tied up as tobacco generally appears out of ſhips.

Unmanufactured?—I am not a judge of it.

Do you happen to know what it is called by thoſe that are?——I do not.

Have you looked at it?——I have not.

How ſoon muſt this man have come within the view of the watchmen of the Cuſtom-houſe if he had gone on?—In ten minutes.

What account did he give of himſelf before the Mayor?——That he ſaw a man drop it, and he ran and took it up, and was going to carry it to the Cuſtom-houſe, and he produced a white bag.

Would it have been the cauſe of this man's diſcharge from his employment as a watchman if he had been found abſent without ſuch an excuſe as that he was going to carry tobacco to the Cuſtom-houſe?—I am ſo much unacquainted with the Cuſtom-houſe buſineſs that I do not know it.

Court. It appears to me ſuch as comes from abroad?——I only ſaw it ſeparated about; my young man and him took it up, he did not come the foot path, but turned into that corner.

Was not you near enough to obſerve whether he obſerved you or not?—I do not think he did ſee me; he might ſee the watchman oppoſite.

Mr. Garrow. Did I hear right that you do not think he ſaw you?——I think not, at the time he was paſſing; the conſtable has had the tobacco ever ſince.

JOSEPH FENNEL *ſworn.*

Mr. Jeffrys ſent his young man to the watch-houſe; I came to the watch-houſe, Mr. Jeffrys was there with the priſoner; Mr. Jeffrys ſeemed to be very troubleſome, and aſked what watchmen I had on; he ſat there two hours, and was very troubleſome; indeed I went down when he ſaid the tobacco was in Mr. Jeffry's paſſage; he ſhewed me the tobacco; I have had it ever ſince; it is now in Court. (*Produced.*) it is now unmanufactured as the other was.

Mr. Garrow. I believe this is like a great many thouſands of hogſheads, ſo that if you had loſt it out of your pocket laſt night, you could not have ſworn to it to-day?—Not at all, I have not compared it at all.

Fennel.

Fennel. The prisoner told me going along, that he had got the tobacco from on board a ship, that is all that he said.

Mr. Garrow. Mr. Jeffrys had been at the watch-house some time?—He was there a long while, and when I came back he said the watchmen had been using him very ill, I took the watchman off for his abuse.

Mr. Jeffrys was a little out of humour that night?—I believe he was, to the best of my knowledge.

He is not a good natured man in his cups?—I have been a constable in that part three years, I do my duty as much as I can.

Then you would not by choice, if you had a parcel of stolen goods, come through your beat?—We do our duty as well as we can, I belong to the same employ as the prisoner; I had the first charge of the lighter that evening, it was all safe at twelve, no tobacco was missing; in the morning the head of one of the hogsheads was out, and about six pounds gone; I could not know the tobacco again; all tobaccos that come to the keys are in that way; the ship watchman was not there at six in the morning; I have known the prisoner three years.

Is Thames-street the nearest way from that lighter to the Custom-house?—Much handier than going through the keys for the casks, I should have come that way myself.

I need hardly ask you what his general reputation was, was it a good one?——I never heard any complaint in the world; he has a pretty place in the India House; I do not believe this quantity of tobacco could come out of that hole.

There is a vast deal of this tobacco smuggled, as we all know?—Yes, it is a common practice.

The prisoner called four witnesses who gave him a good character.

NOT GUILTY.

Tried by the first London Jury before Mr. ROSE.

841. CONRAD FAUDE was indicted for feloniously stealing, on the 6th day of September, 46lb. of lump sugar, value 20s. the property of John Hawes and Thomas Slack.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice GOULD.

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842. HENRY SHEPHERD was indicted for feloniously stealing, on the 28th day of July last, one leather trunk, value 25s. the property of James Seasons.

JAMES PLOWMAN *sworn.*

I live with Mr. Seasons, a trunk-maker in the Haymarket; on the 28th of July, he lost a trunk, I saw the prisoner standing at the door, as I was below in the cellar, about half past nine in the morning, this trunk was at the door close to where the prisoner stood, and I saw him take the trunk away from the door, I went up to Michael Thomas, who was in the shop, and I and Thomas overtook the prisoner about 150 yards off, with the trunk on his shoulder.

(The trunk deposed to.)

MICHAEL THOMAS *sworn.*

I pursued and took the prisoner with the last witness.

PRISONER's DEFENCE.

I am brought to the bar under a very great disadvantage, owing to Counsellor Fielding not being in Court; for that same morning I came from the warehouse I belonged to at Mile-end, to a gentleman in Suffolk-street, one Mr. Heron, an apothecary, that has often befriended me; I sat at a door to rest myself, and a man that was decently dressed asked me to carry a trunk for him to the Blind Beggar in Whitechapel,

chapel, and wait till he came; he went away, and I waited some time, and he did not come, I thought he was gone to the trunkmakers; then the man came up again and put a six-pence into my hand, and said that was the trunk; I put the six-pence in my pocket, and took the trunk and followed him, he crossed over to the corner of another street, and I was taken, and in the confusion I was in, and a mob gathering, I lost sight of the man.

Plowman. He said he was going to carry it to Whitechapel, but he was in the road to Oxford-road; he said before the Justice he was taking it to Whitechapel.

GUILTY.

To be confined six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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843. WILLIAM PARKER and SOPHIA GIRTON were indicted for that they, on the 13th day of July last, one piece of false feigned and counterfeit money and coin to the likeness and similitude of six-pence, falsly, deceitfully, feloniously, and traiterously did forge, counterfeit, and coin, against the statute.

(The witnesses examined apart at the request of Mr. Garrow Prisoner's Counsel.)

(The Case opened by Mr. Reeves.)

WILLIAM SEASONS *sworn.*

I belong to the Sessions House on Clerkenwell-green, on the 13th of July, I went to a house on Back-hill, on information that there were some coiners at work, I took one Taylor with me, and one William Rose Trip, I went between eleven and twelve, I went up stairs into the room, and saw Sophia Girton sitting on the foot of the bed, she had a file in her hand, and a number of sixpences to the best of my knowledge, and there were on the table, sand-paper, brimstone, and these kind of things that are made use of in coining, and a number of sixpences (*handed up*) a phial of quicksilver, and some clippings; when I went into the room, says I, you are hard at work, she got up and fainted away, she begged I would not be in a hurry with her, she said, it was that rogue had brought her to it, she fainted on the bed for five minutes when she awoke, I said, what rogue do you mean? and she said, that rogue Parker: I found some punches.

Court. Have you any sixpences that was finished?—We went again, and in a closet we found these two sixpences among some rags.

Court. They are as much like any thing else as sixpences: they are not like the similitude of a sixpence.

BOTH NOT GUILTY.

Mr. Vernon. I beg leave to inform your Lordship, that I did not attend the examination, if I had I should not have brought it here.

Court. I guessed very much, Mr. Vernon, that that was the case.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*;

HELD AT

JUSTICE HALL, *in the* OLD BAILEY,

On Wednesday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

844. JOHN ASTIL, alias AUSTIN, alias BROWN, was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Thomas Moore, about the hour of two in the night, on the 9th of July laſt, and burglariouſly ſtealing therein one metal watch, with the outſide caſe covered with black tortoiſeſhell, value 5l. his property.

The Caſe opened by Mr. Garrow.

The witneſſes examined apart at the requeſt of the priſoner.

ANN FOOTMAN *ſworn.*

I was ſervant to Mr. Moore, of Moorfields, he had no ſervant but me.

Do you know on Saturday night the 9th of July, how the houſe was left?——Every thing was left ſafe, all the watches were in the ſhop, we ſupped in the ſhop, and when we went to bed, about five minutes before twelve, every thing was ſafe; we were not alarmed in the night; my maſter called me about four, he got up about three; the ſhop was broke open, and all the watches gone; the lead-light was taken out of the back window, and taken into the garden; there was no caſement; I am ſure the light was there when I went to bed ſafe, at duſk they got over two or three people's gardens out of Chriſtopher's-alley; there are two walls that the perſon got over, they are as high as that wainſcotting.

Had anybody called on your maſter the night before?——Yes, about nine in the evening, my maſter was not at home, a man came and aſked if my maſter was at home, I ſaid no; I never ſaw the priſoner ſince; he was meanly dreſſed; he ſaid his buſineſs was not material, he would call again another time.

Did you obſerve the colour of his coat?——No, I did not particularly notice that; There were above fifty watches gone.

Should you know the man again?——No, I could not poſitively ſwear to him.

Priſoner. I want to aſk her a queſtion.

Court. You beſt judge the neceſſity of your queſtion, but I before-hand appriſe you that ſhe has ſaid nothing that affects you.

Priſoner. I ſhall not aſk her any queſtions, my Lord.

SAMUEL HAWSE *ſworn.*

I am the principal workman of the deceaſed Mr. Moore, Mr. Moore came to me between four and five this morning, he told me his houſe had been broke open, I examined the place about, and found a button.

(The

(The button produced.)

Is it in the ſame ſtate it was found in?—Yes.

Who has had it?—Mr. Moore had it when he died, and I found it under the board; when I looked over his effects, there was ſeveral watches hung by the window, and to get at them a perſon muſt reach over the ſhopboard.

Court. Any perſon from without who wanted them, would not lean over the ſhop board to get at them?—No, Sir, from within-ſide the watches were all taken away, that watch in the black tortoiſeſhell cover that I took to Mr. Moore the preceding evening was miſſed, it was an old watch that had been repaired: I was at the houſe when a neighbour of Mr Moore's came in, and ſaid there was a man went by with ſuch a coat and button on, accordingly they ran after him and took him, he had a coat with the cloth correſponding to that button, and there was a button wrenched from it, it correſponded.

Did you hear the priſoner acknowledge the button to be his?—No, I heard him ſay he had been at a fight, and loſt a button.

SAMUEL UPHAM *ſworn.*

I live next door but one to the late Mr. Moore's ſhop, I keep a public houſe.

After the robbery at Mr. Moore's did he give you any information of any particular circumſtance?—He ſent for me on Sunday morning about half paſt ſix, and ſhew'd me a metal button ſhanked, that he ſaid he found in the ſhop.

Look at that button?——I am ſure this is the button; he gave the button into my hand, ſays he, there is a number of people that comes to your houſe, take it and enquire for any perſon that wears ſuch a button; accordingly I took it, and kept it three quarters of an hour, and delivered it to him again, then he told me what had happened, and deſired me if anybody ſhould happen to come to our houſe with ſuch a button and coloured coat, to take notice of them; he ſaid, he found it under the vice board in the ſhop; I told him I did not ſee anybody that anſwered the deſcription then, but on the next day about eleven in the forenoon, I was at the door ſerving two people with ſome liquor, I ſaw the priſoner come by with the ſame coloured coat, and the button was off; his coat was buttoned and his hands in his pockets; he turned his head towards the window, he made no ſtop, but I thought he walked rather ſlow, that was before he came to me, then I took particular notice that he wanted a button, and I went and told Mr Moore that I thought the man was gone by that committed the robbery; Mr. Moore, me, and another, purſued him down Crown-alley, there we loſt ſight of him; we ſaw him again, and he was ſtopped, he made no reſiſtance whatever.

When you ſtopped him did you obſerve whether his coat had loſt a button?——At the Juſtice's I did, it was from his breaſt, it appeared to be torn out, it being ſet on with cloth of the ſame colour; he did not deny that the button matched with his own, but ſaid that he was in an affray on Wedneſday in Kingſland road, and might loſe his button there, and another perſon might pick it up and drop it at Mr. Moore's, enquiring for a watch, might throw it over the ſaſh; but the ſaſh did not run.

Court. Then he did not ſay poſitively whether it was his button or not?——No, he ſeemed to ſignify that it matched with it.

Was he then told where the button was found?—No.

Priſoner. What is the reaſon you was not at Mr. Wilmot's to give your evidence?——I was there, but nobody was called in but Mr. Moore, and the man that took you.

Did I refuſe going with you?—No, you went along eaſily, you ſaid you would go anywhere with me.

Was not I ſearched at Mr. Wilmot's?—Yes.

You remember there was no ſum of money found about me?——I did not ſee him ſearched.

INNO-

INNOCENT EKINS *sworn.*

I was present when the prisoner was apprehended; being very well acquainted with Mr. Moore, I was with him on the Monday morning after the robbery, considering of an advertisement, when about eleven Mr. Upham, who is a near neighbour, came and knocked at Mr. Moore's door, and said the man was gone by which had the button on, he went down Crown-Alley, I followed him, I saw no such man, he then went up a little alley that leads into Sun-street, I followed and saw a man going on, then I observed the colour of the coat and button, which appeared to be like that, and there was a button wanting on his coat, he said he lost a button fighting in Kingsland-road.

Did you make any remark on the rest of his dress?——He had an apron on, and when the apron was pulled up his breeches were ragged, that was all the observation I made, I cannot say whether they were ragged or torn by accident.

SAMUEL HARPER *sworn.*

I am a constable, I had the coat from the prisoner's back, Mr. Moore the prosecutor, and one of the witnesses brought the prisoner to me on Monday the 11th of July, and gave me charge of him, I took him to Justice Wilmot's, and they produced a button that they found in the house after the robbery, which exactly corresponded with those on his coat; he said he had had a fight in Kingsland-road, and lost his button there, and that it was possible that the person who did the robbery, might bring the button into their house; there was only one button wanting upon it.

Jury. Shew us the coat.

(The coat handed up wanting the third button from the bosom.)

(The Jury ripped off all the buttons, and they were fastened on with cloth of the same colour, the same as the single button found in the shop.

Did you observe any other part of his dress at the time he was before the Magistrate?—His breeches were torn very much behind.

Did it appear to be fair worn, or torn by accident.

I should think it must be torn by accident, they were torn in strips, he did not take off any other of his clothes.

Court. Did he say that was his button, or the button of his coat?——He said he did not know but it might be his button, but if it was his button it was lost at the fight.

Prisoner. I wish for you, and the gentlemen of the Jury to know that man is a thieftaker belonging to Mr. Wilmot's office.

Mr. Harper. I am a shopkeeper and tradesman, I keep a toyshop and chandler's shop; likewise I serve every shop in Bond-street, and all that way.

Jury to the maid. Who sweeps out the shop?——Nobody but myself, I swept it always.

Had it been swept that day?——No, it had not.

Was you much in the shop?——Yes, a great deal.

Was anybody there late in the evening?——No, Sir, nobody came into the shop, because my master was not at home, and I am very sure the button was not there before I went to bed.

PRISONER's DEFENCE.

My Lord, I mean to satisfy you, and the gentlemen of the Jury, that I could not be the man that committed this robbery, by calling one Thomas Ireland; two of those witnesses were not on my examination before.

Mr. Garrow. That arises from Mr. Moore's being dead since he was examined, which makes it necessary to call other witnesses.

THOMAS IRELAND *sworn.*

On the Saturday which is reported to be the night the robbery was done, Mr. Astill

was

was along with me, that was the 9th of August.

What last month?——No, the month before.

Then you do not mean the 9th of August?——Yes, I do; it was last month, now I am sensible it was last month.

Recollect yourself, this is September, you say it was the 9th of August?——I am sure it was, I am positive that night he was with me, on the 9th of August, about six weeks ago, I will not go farther back, it was not June or July.

Where was he, sir, with you on the 9th of August?——I must tell my story as near as I can, and I will do it with as much justice as I can; he called upon me on Saturday evening, he sent for me out of the playhouse, we drank a pint of porter together, and he and I went home together, and my wife was gone to a sister of hers who was in labour in Ratcliff-highway. I live in St. Martin's-lane, we waited at our house till four o'clock.

You remember the time particular by the labour?——I will tell you presently; he told me he was taken up for a robbery in Moorfields; says I, you could not, you was with me that night, my wife's sister was in labour; I said the 9th of August but I was mistaken, I will swear it was on the Saturday night the 14th.

Will you you swear it was the 10th of August?—I will swear it was the Saturday the robbery was committed.

What are you?—I am a carpenter, I live in St. Martin's-lane.

Can you tell us any thing by your books?——I have not my book, it is six or seven weeks ago; I do not come here with a studied story.

Will you undertake to say that it was not in September?——Yes, it is longer ago.

What makes you think it was not July?——I have sworn before he was with me on the Saturday night, on the Monday I saw him in Clerkenwell.

On Saturday the 9th of August?——I will swear it was the 9th of August.

Court. Whereabouts in St. Martin's-lane do you live?——Next door but one to May's-buildings; I have lodged at the butcher's shop about twelve months.

Who do you lodge with?——The landlady who keeps the house, she keeps a publichouse in Red Lyon Square, her name is Treble, one Mr. Buir keeps the butcher's shop next door to Mr. Prellove, there is a baker on the other side whom I do not know.

Who do you work with?——At Covent Garden theatre.

Court to Jury. This is an awkward circumstance, such a one as will make any jury pause much upon it, at the same time it is but a circumstance, and I must say that I do not think it by any means a conclusive one; you, however, are the proper judges, it is not for me to impress upon you what I think upon it, but I confess, as the man's life is to depend on a single circumstance, I could wish that circumstance had been more conclusive; but if it is so convincing in your minds that you cannot get over it, you will discharge your consciences; if there is a probability that it was not his button, if there is a possibility that it was not his button, perhaps you may think it too much to take away his life upon a single circumstance.

(The Jury desired to withdraw.)

Court. Gentlemen of the Jury, before you withdraw, my brother Gould wishes me to mention to you what is extremely proper, that though many people have been convicted upon circumstances only, yet one cannot recollect a case in which a man has been convicted on one single circumstance, several circumstances combining together have great weight with a Jury: but where there are no circumstances to corroborate each other, but a case depends on one single circumstance; there to be sure the weight of it is very much abated.

The Jury retired for some time, and returned with a verdict

NOT GUILTY.

Foreman of the Jury to Priſoner. Be careful in future for you have had a hairs breadth eſcape.

Tried by the ſecond Middleſex Jury before Mr. Baron HOTHAM.

845. CHARLES RICE was indicted for feloniouſly ſtealing, on the 31ſt day of Auguſt laſt, ſeventeen pair of ſtone ſhoe-buckles ſet in ſilver, value 20l. twenty two pair of ſtone knee buckles ſet in ſilver, value 10l. one ſtone ſtock buckle, value 1l. 5s. three pair of gold enamelled buttons, value 3l. 3s. three pair of ſtuds, value 10s. 6d. one pair of gold buttons, value 25s. ſeventeen ſtone knee buckles ſet in ſilver, value 10l. ſixteen lockets ſet in gold, value 20l. twenty one gold rings, value 3l. 10s. ſeven twiſted gold wire rings, value 1l. 10s. five gold trinkets, value 2l. two gold watches, value 22l. a baſe metal watch, value 2l. 2s. two baſe metal watches covered with tortoiſeſhell, value 20s. eight chryſtal rings ſet with hair in gold, value 8l. 8s. a ſhirt buckle, value 4s. a ſtone pin, value 4s. nine ſeals, value 30s. one ditto ſet in ſilver value 2s. a caſe of trinkets, value 4s. 6d. two ſteel watch chains, value 21s. four ſilk watch ſtrings, value 12s. ſeven morroco pocket books, value 35s. two pair of baſe metal pepper boxes plated with ſilver, value 8s. three glaſs ſmelling bottles with ſilver tops, value 7s. eighteen pair of gold ear rings, value 1l. 11s. 6d. one other gold watch with two inſide caſes made of gold and an outſide caſe made of baſe metal, value 12l. and a mahogany ſhew-glaſs, with glaſſes fixed therein, value 3l. the property of John Sterling the younger, privily in his ſhop.

JOHN STERLING *ſworn.*

I know the priſoner by ſeeing him before the Lord Mayor, that was the firſt time, I only prove the property.

ELIZABETH STANHOPE *ſworn.*

I live at No. 26, in Cornhill, at Mr. Cowe's, a ſilverſmith; I was ſtanding at the window, I ſaw a man go by with a cloak under his arm, it was laſt Wedneſday week, but I do not know the day of the month, it was about ten minutes before ſeven in the evening, and about a few minutes after, I ſaw another man oppoſite the ſhop door with a ſhew-glaſs in his hand, and I ſaw the other man come out, and throw the cloak over the glaſs, and they both went paſt the window where I ſtood; I know nothing more, I know nothing of theſe two men.

How far is your ſhop from the proſecutor's ſhop? — Almoſt oppoſite.

Mr. Garrow, Priſoner's Counſel. What window was you ſitting in? — The kitchen window up one pair of ſtairs.

You had a good opportunity of obſerving the two men from there? — Yes. I obſerved the dreſs of the man that had the cloak, he had a dark coloured coat, nankeen waiſtcoat, his own hair over the ſhoulders, and a hat on his head.

What breeches had he? — I did not take notice.

JOHN STRAHAN *ſworn.*

I am a ſhopman to the proſecutor, on Wedneſday the 31ſt of Auguſt laſt, about ſeven in the evening, a woman and a boy came into the proſecutor's ſhop to buy a pair of buckles while I was engaged with the woman and a boy, the man came into the ſhop, I looked at him, and aſked him what he wanted, and he went down the ſteps to the door, in the mean while the woman and the boy kept me in converſation reſpecting the buckles, they bought the buckles, and they went out of the ſhop, I ſaw the woman go out of the ſhop without a cloak on her ſhoulders; ſhe was a meaniſh looking woman, I followed to the door ſuſpecting nothing of it, when I returned back I miſſed the ſhew-glaſs.

Do you know the man that came into the ſhop if you were to ſee him? I think I ſhould.

Are

Are you ſure you ſhould know him?—I believe I ſhould.

Have you ever ſeen him ſince?——Yes, I ſaw him at Guildhall, and then I knew his face, I think he was but a very little time in the ſhop, I ſaw him and another walk backwards and forwards before he came into the ſhop.

Can you undertake to ſay you ſhould know that man that came into the ſhop, and ſtepped out again?——The priſoner I believe is the man.

From the very ſlight opportunity you had of obſerving him, can you ſwear poſitively that is the man?—I cannot poſitively ſwear it, but I believe he is the man.

Did you ſee the man go out as well as the woman and the boy?——Yes, he ſtood with his back to the door, then I ſpoke to him and he went on the ſtep, then I ſaw nothing in his hand, I ſuppoſed he belonged to the woman and the boy, the woman and the boy kept me in talk for a few minutes after he went out.

Jury. In what part of the ſhop was the ſhew-glaſs?—Upon the counter, about a yard and half from the door, my back was to the ſhow-glaſs, I was obliged to watch the woman and the boy.

Mr. Garrow. Your ſhop is but a ſmall one I underſtand?——Yes, in 'Change-alley.

What age might the boy be?—I ſuppoſe about fourteen.

Did he or the woman go out firſt?——I cannot ſay, they both went out together.

ALEXANDER BARLAND *ſworn.*

I was ſent of an errand for my maſter, Mr. Neaves, at the Fleece and Sun, Threadneedle-ſtreet, and going along, I ſaw a man ſtanding by a ſhew-glaſs under the gateway, in Swithins-rents, when I returned the ſhew-glaſs was uncovered, I was not gone above three or four minutes at furtheſt, the cloak was under his arm, I looked round and ſaw it ſtand, ſays I, friend what have you got here, I do not know what it is, ſaid he, I had only the curioſity to look at it; I aſked him if it was his, no ſays he, it is not mine, I know nothing of it; I aſked him if he knew whoſe it was, ſays he, I believe it is ſome Jew's box, ſays I, it does not look like a Jew's box, it is a ſhew-glaſs, he ſaid he would go and ſee whoſe it was, and I went after him, I brought him back, and ſome of the pocket books were taken out while we went acroſs, and when I brought him back he took ſome things out of his pocket, but what I cannot tell, and threw them into the caſe, and broke the glaſs, and a porter took the caſe up after the things were all put in, and took it away to my maſter's houſe till we found the right owner of it.

Who is that man, do you know him?—Yes, I dare ſay I know him if I ſee him.

Is he in Court now?——This is the man.

Is that the man?——Yes.

This is a very public place where you ſaw him?——Yes, juſt under the gate going up to the Edinborough coffee-houſe, when I firſt ſaw him, he was ſtanding by the arch-way, and the caſe was by him on the ground.

He had not hold of it when you firſt ſaw him?——No.

There was a cloak over it then?—Yes, when I come back again in three or four minutes it was there ſtill, and he was there, and had taken off the cloak, and was looking at it.

There were a number of people paſſing and repaſſing?—No, I ſaw nobody paſs or repaſs at the time.

What time of the day was it?—About ſeven at night.

On the 31ſt of Auguſt?——Yes.

Was it day light?——Yes.

How far up the alley was this caſe?——It was above three or four yards up the alley.

A number of people were paſſing and repaſſing in the ſtreet?—Yes.

EDWARD WHITE *ſworn.*

About ſeven on Wedneſday was three weeks, the laſt witneſs came to me, and ſaid

said, there was a cloak under his arm, and taken some things out of a box that he could did not belong to him; when we came up some of the things were laying on the ground, and this denied having any thing in his pocket, and we then took some things out of his pocket, and threw them into the shew-glass, and broke and shivered it to pieces; we then took the box into the Fleece, and things were in his pocket, numbers of them.

What things were in his pocket?——Among the rest of the things, two or three purses, and some pepper castors; I saw him throw single things out of his pocket, some fell over on the ground, and some fell through into the shew-glass.

Did he make any attempt to go away?——No.

Jury. Could he have made his escape if he liked it?—Yes, Sir, Barland left me the same way, he came to me, and this man followed Barland, he might have gone any way.

Court to Barland. Did you hear him say so?——Yes.

THOMAS EDWARDS *sworn.*

I was coming up Threadneedle-street, when he was in custody, I saw him take the cloak off the shew-glass, and throw it upon the stones, then he took up the cloak again, and said it belonged to him, and he put it under his arm, then we took him to the public house, and when he came to the public house he chucked it on the bench, and said, he knew nothing of it; the case was then carried upstairs, this was in the alley, and a man had got hold of him by the collar, that was Barland.

Mr. Garrow. Was White with him at the time?——I cannot say.

Pray Mr. Edwards, who are you?—I am one of my Lord Mayor's servants, hall-porter to the Mansion-house, this is the third Mayoralty.

Have you never been a groom?——No, never, in my life.

I ask you upon your oath, have not you within this month called yourself a groom?——No.

(The shop-glass produced and identified.)

ANTHONY HARRISON *sworn.*

I know nothing of the robbery, I only went to Tom Gray's and found this letter.

Court. We cannot take any notice of the letter unless the prisoner was present?——He was in custody.

PRISONER's DEFENCE.

I was coming through Swithing's-alley, and I saw this box covered with a cloak, it attracted my curiosity, this man came up, and asked me whose box it was, I said, I fancied it belonged to some Jew, I snatched up the cloak, and there was a piece of broken glass dropped out of the cloak, says he, what have you put in there, says I, I have put in nothing, it was a piece of broken glass dropped out of the cloak, I put the cloak over my arm.

Court to Strahan. Nobody else was in the shop?—I saw the shew-glass, just before the woman came into the shop, I passed by it to serve her, I did not see it after.

The prisoner called one witness to his character.

NOT GUILTY.

Tried by the first London Jury before Mr. RECORDER.

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846. WILLIAM COOK was indicted for feloniously stealing, on the 10th day of June, fifty-seven guineas, value 59l. 17s. one half-crown, value 2s. 6d. one canvas bag, value 1d. one purse, value 6d. and twenty pounds in monies numbered, the property of Charles Lockwood, and one promisory note, value 80l. and one other promisory note, value 60l. the property of the said Charles Lockwood, in the dwelling house of Dorothy Wright, widow.

(The Case opened by Mr. Garrow.)

CHARLES

CHARLES LOCKWOOD *sworn.*

The prisoner was my servant, I lost my property on the 10th of June, it was in my bed chamber, at the bottom of my box, the bottom was broke out with a chissel; I saw the box about eleven that same day, it was all safe then, and the money and the notes in it, I locked the box, and I locked the room door, and came down again; I locked the key of the bed room, after making the door safe, in the ostlery, it was so till eight or nine at night, then the prisoner at the bar came for twelve shillings, which I gave him; he said he wanted to go and buy him a pair of shoes, I told him to stay till the next day, because I was going out, he said he must go that night; I gave him the key of the ostlery, to get the key of the bed room; he said he wanted to put on a pair of stockings; he brought the key of the ostlery to me, when I was down in our tap, he never gave the key of the bed room to me; I staid there some time, and he went out in the street drinking with the coachman, he said he had not bought the shoes; I went out, and returned in three quarters of an hour, and when I came back to go to bed, I looked for the key of the bed room, which was not there, and I found it in the stable; I went and unlocked the bed room door, it was locked the same as I locked it; I undressed myself, and just as I was going into bed, I thought I heard something make a noise, I got up, and saw nothing; but I saw two letters lay, which had been inside the box; I said to myself, these are my letters, and it surprised me, then I looked further, and I saw the box was broke open, and the money was gone, and the notes, there were fifty seven guineas and a half, and half-a-crown, two banker's notes, one eighty-pound, and the other sixty-pound; in consequence of this loss, I had the prisoner taken up; when the constable took charge of him, he searched him, and found nothing upon him; then he said you cannot hurt me, you have found nothing upon me.

Did he say any thing about finding any thing upon him, before he was searched?—Not to my knowledge, he was discharged by the Mayor, and in consequence of what I heard he was taken up again.

What money was taken from him, when he was taken up a second time?—He was not searched the second time as I know of.

ANN ROSE *sworn.*

I live at Endfield, just by the Rose and Crown, my father drives chaises, and has done these thirty years, I was going down by the Endfield coach one day, and he asked me to drink in Bishopsgate-street, it was about a month before I spoke of it, and in paying for this pint of beer, he pulled out four or five guineas, I cannot say to a guinea, I said let me shake hands with you? he said that was old Charles's money, and he had been *in coop* for a week.

Had you any further conversation with him?—No, I saw a purse in his hand, I had heard of Lockwood's robbery, in consequence of which, I mentioned the conversation; nobody was present, he did not tell me who he meant, but I know who old Charles was, but I did not know he had been *in coop.*

Mr. Keys, Prisoner's Council. What are you?—A servant, I am in place now, I was out of place then.

You used to travel backwards and forwards with this Mr. Seton on the coach box?—No.

You know all the ostlers and people in the Black Swan-yard?—No, Sir.

He voluntarily told you this?—Yes, I had not heard of the robbery, I spoke of it to Mr. Seton as I was going down in the coach one day.

What did you say to Seton about it?—Seton asked me about it.

Was not you promised a reward by Seton if you spoke of this?—No, Sir.

Who was by at the time?—Other passengers.

Do you know Jordan the book-keeper?—Yes, he was not by, nobody was by, as I know of.

THOMAS SEXTON *sworn.*

This young woman was going down with me somewhere about Bransford-hill, I said to her, give me leave to ask you one question, will you answer me? yes, says she, I will; says I, do you know of one old Charles being robbed? says she, I saw Will with four or five guineas in his hand at the Coach and Horses, and a silk purse, and he said that was the money he had been *in coop* for a week, upon that I gave information, and he was taken up.

Mr. Keys. How long have you known Ann Rose?—About three years and a half.

Have you known pretty much of her during that time?——Up and down upon my coach, she always paid me.

Do you think she is a person that ought to be believed upon her oath?——I do not know but she may.

Is she a woman of a fair character?——I never saw any thing against her.

MARK JORDAN *sworn.*

I am a book-keeper at the Four Swans, and have been so these thirty-four years.

Do you know this Ann Rowe?—Yes.

Do you think she is a person to be believed on her oath?—No, I do not.

Mr. Garrow. Then my Lord, I do not ask the Jury to convict a man upon the testimony of such a witness.

Court. That is very handsomely given up; you will acquit the prisoner.

NOT GUILTY.

Tried by the first London Jury before Mr. Baron HOTHAM.

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847. JOHN STURLEY was indicted for feloniously stealing, on the 12th day of August last, one silver watch, value 40s. a steel chain, value 4d. a trinket, value 2d. the property of Henry Gay, in the dwelling house of Nathaniel Gay.

NOT GUILTY.

Tried by the second Middlesex Jury before Mr. RECORDER.

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848. THOMAS COLEMAN and WILLIAM LOVERIDGE were indicted for feloniously stealing, on the 27th day of August last, four guineas, value 4l. 4s. four half-crown pieces, value 10s. and six shillings in monies numbered, the property of William Hartley, privily from his person.

WILLIAM HARTLEY *sworn.*

I was walking along, and I was dry, I went into a publick house in Rosemary-lane, last Saturday night was three weeks, to get some beer, about three, and came away about half past nine; I was waiting for some shipmates, I was in liquor when I came away, I paid my reckoning, and felt my gold in a piece of brown paper, four guineas, four half-crowns, some shillings and sixpences, and soon after I found my pocket was picked, and a woman said, I will tell you on Monday who has picked your pocket; I remember feeling the prisoner's hand upon my thigh, one on one side, and one on the other, they both came up to me, and gave me a push, one on one side, and one on the other, the woman was not near me.

ANN HUTTON *sworn.*

I saw this man at the public house, the 27th of August, he was rather dozing, laying his head on the table; the two women were drinking in the same box, he got up and and went out of doors, and stumbled, and the two prisoners came in, and stumbled against him, and I saw the prisoner Loveridge's hand in his left hand pocket, and I saw Colman put his hand into another pocket and shut it, then they both ran out of the back door.

Thomas Taylor and Joshua Gray apprehended the prisoners, and found nothing upon them.

Prisoner. Mrs. Hutton was in liquor, she said she was very sorry for what she had done.

Prosecutor.

Profecutor. The woman was quite ſober before the magiſtrate.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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849. MICHAEL YOUNG was indicted for feloniouſly ſtealing, on the 2d day of July laſt, twelve pounds weight of bacon, value 6s. the property of Edward Hall.

The priſoner was taken with the bacon upon him.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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850. SARAH ROYSTON was indicted for feloniouſly aſſaulting John Watts on the King's highway, on the 4th day of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one guinea, value 1l. 1s. ten copper half-pence, and two ſhillings and ſixpence in monies numbered, his property.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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851. THOMAS LESTER was indicted for feloniouſly ſtealing, on the 30th day of Auguſt laſt, two quart pewter pots, value 2s. and eight pint pewter pots, value 4s. the property of William Turner.

The proſecutor and witneſſes not appearing, the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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852. RICHARD PAYNE and THOMAS THOMPSON were indicted for feloniouſly ſtealing, on the 16th day of Auguſt laſt, two canvaſs ſacks, value 6d. one ſack, value 1d. two keys, value 3d. two hens, value 6d. and one cock, value 6d. the property of John Hedges.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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853. SARAH KEYWOOD was indicted for feloniouſly ſtealing, on the 24th day of Auguſt laſt, one ſilver table ſpoon, value 12s. the property of William Green.

There being no evidence the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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854. JAMES PILE and MARY SMITH were indicted for feloniouſly ſtealing, on the 9th day of September, two cotton frocks, value 2s. one ſilk bonnet, value 2s. and one linen towell, value 6d. the property of James Collins.

The proſecuter and witneſſes not appearing, the priſoners were

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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855. CORNELIUS BLAND, THOMAS BLAND and THOMAS LONG were indicted for feloniouſly ſtealing, on the 2d of Auguſt laſt, one buſhel of apples, value 5s. two dozen of cucumbers, value 3d. the property of Robert Pryke.

Theſe things being picked off the trees and vines,

vines, the offence was not within the Act of Parliament.

ALL THREE NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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856. JOHN DIXON was indicted for feloniously stealing, on the 26th day of August last, three plate coach glasses, value 40s. the property of John Stanbridge.

GUILTY.

To be confined six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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857. WALTER KELLEY was indicted for feloniously stealing, on the 24th day of August last, one man's hat, value 9s. the property of Thomas Cox.

GUILTY.

Whipped.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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858. MARY PARKER was indicted for feloniously stealing, on the 8th day of April last, two linen table cloths, value 5s. the property of John Hickman.

GUILTY.

To be confined six months in the House of Correction.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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859. MARY HYMER was indicted for feloniously stealing, on the 3d day of July last, one silver watch, one steel chain, value 6d. one steel seal, value 6d. and one key, value 1d. the property of Thomas Brown.

THOMAS BROWN *sworn.*

I am a seafaring man; on the 3d of July I lost a watch; I was going down Angel-gardens, and the prisoner stood at a door, and she asked me to go in, I said I would if she would give me any thing; when I got in she asked me what I was going to give her to drink, I said I had no money, she asked me to stay all night, and I said I could not, having no money; she said I might leave her my watch, no, says I, if I leave *her* I shall never see *her* no more; she never left me till she got it from me, which was in the course of a few minutes, she loosed two buttons of my breeches; there were her and two more, but the other two did not touch me, and the prisoner *clicked* it out of my pocket, and before I got my breeches made fast she was out of my sight, and I cried stop thieves, and they cried thief; it was about eleven at night; it was not a very dark night; I never saw her before; I was in the house with her two or three minutes; I pursued her; she was taken by Mr. Fletcher a few minutes after; I knew her again; the watch was silver, and has never been found; but the gentlewoman where they live, proffered to buy me a watch of three guineas price before the Justice committed her.

Prisoner. The gentleman was at my lodgings, and he said he would take three guineas.

MARGARET SWANSKIN *sworn.*

On the 3d of July I had occasion to send my girl a few doors down, and looking after her, I saw the prisoner and two more women, and a man, running along, and crying stop thief; the prosecutor ran a few yards till he came to my house; I directed him to Mr. Fletcher.

JOHN

JOHN FLETCHER *ſworn.*

On the 3d of July I was in bed, I heard the cry of ſtop thief, I enquired the cauſe, and broke open the door, and took them all three to the watch-houſe, I found nothing upon them.

PRISONER's DEFENCE.

I know nothing of the watch, I never ſaw the gentleman.

GUILTY.

To be confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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860. JOHN MYERS was indicted for feloniouſly ſtealing, on the 19th day of Auguſt laſt, one ſilver table ſpoon, value 9s. the property of James Shakeſhaft.

Mrs. SHAKESHAFT *ſworn.*

I live in Bethnal-green road, I am wife to James Shakeſhaft; I loſt a ſilver table ſpoon the 19th of Auguſt, it was marked R. I. R. and it had a mildew in the bowl, it lay on the dreſſer about two; I ſaw it there in the kitchen, I miſſed it by four, I went into the yard to take ſome ſtockings off the line, and it was gone.

JAMES SHAKESHAFT *ſworn.*

On Friday the 19th of Auguſt, about a quarter paſt five, I was coming down Shoreditch, and a perſon ſtopped me, and told me there is a young man that has a large *feeder* about him, ſays he, if you make haſte you will overtake him; accordingly I went on, and I ſaw him coming back towards me, I looked at him, and he was rather ſhy of me, and he went into a ſhop, and bought a brick or a roll, and began to eat it, I went up to him, ſays I, Myers, you have ſomething about you; he denied it, I took him to a public houſe, and as ſoon as he came in he chucked a handkerchief upon the table among five or ſix more, and I heard the ſpoon fall out of the handkerchief, the bowl fell on the table, and this part went on the ſettle, I took the priſoner into a back room, and I ſearched him, and found nothing elſe upon him; I ſaid, you muſt go with me, no, ſays he, do not take me, you may as well, *well it*; he ſtruggled, and I threw him acroſs a chair, he ſaid, I had broke his back, I took him to the Juſtice, and produced the ſpoon, I thought it was like mine, but I adverti ſed it, and I came home about two in the morning, ſays I to my wife, do you know this ſpoon, ſays ſhe, I have loſt a ſpoon, and would not tell you, but I have been crying my eyes out about it; ſays ſhe, let me look at the bowl, I can tell by that, and ſhe looked, and there was the mildew.

(The ſpoon produced, having ſome mildew on the bowl, and marked, depoſed to.)

Mr. Peatt, Priſoner's Council, to Priſoner. Do you chuſe to have John Latham called? —Yes.

JOHN LATHAM *ſworn.*

I was in the ſame public houſe where the ſpoon was brought in, I ſaw a man bring it in, and ſell it to one Iſaac Hagwine for four ſhillings; it was on a Friday, I cannot recollect the day of the month, it was a little above dining time; it was after twelve, I ſaw it ſold, and when it was ſold, this young man, the priſoner, came in afterwards, and he being a ſilverſmith, a ſilver buckle-maker, the young man thought he was a better judge of ſilver than him, and he gave it him to ſell for him, and he went out to ſell it, and then was brought back again by Shakeſhaft; I was in the public houſe when the priſoner and Shakeſhaft came in; they came in together.

The priſoner called five more witneſſes to his character.

Court to Proſecutor. What are you? — I am a headborough; I know the priſoner very well.

Where did you know him, and how? — My Lord, I have had him in cuſtody.

Jury. Had you any intimation that was your ſpoon? —— I did not know it was any

property then, for I did not know that I had loſt one.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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861. GEORGE SPOONLEY and JOHN LEWIS were indicted for feloniouſly ſtealing, on the 6th day of July laſt, 17 live tame pigeons, value 10s. the property of James Duncan, Eſquire.

JAMES DUNCAN, Eſq; *ſworn.*

Between the 5th and 6th of July laſt, my ſtable was unrooſed; I was there in the evening, a little before eleven, I kept my pigeons in the hay loft for my own amuſement, and in the morning, between four and five, I was informed the door was open, and that I had been robbed.

JOHN TYE *ſworn.*

I ſaw the priſoners in the morning, about half after two, in a field juſt by my houſe, coming down the road from Captain Duncan's, I ſaw theſe two boys with two bags, they went to a brick lump, and one of them got upon it, and the other was below with the bag in his hands; the one that got up began to make a great hole, by laying the bricks round the ſide, then he reached down to the others and came and took the bag from him, then a man came by, and they pretended to play, and throw at the crows; when he was gone they got up again, and the one that was not up before, handed him ſome long dung to ſhake it over the hole that they had made in the brick lump, the dung lay very near the ſpot, and they came down after they had covered it; I then waited a good while expecting my man to come, during which time the priſoners were walking round the lump, and kept about the field; they were not out of my ſight only once, when they were on the ſide of the brick lump; I waited near an hour and half, expecting he would come, but I called to a man who went by, and he went and took hold of one, I ſaid, what have you been doing in that brick lump; and he ſaid, me, Sir, I do not know what you mean, I am but juſt come into the field; I then ſaid to the other, take out what you have been putting there; he began to cry, and ſaid it was only ſome pigeons, and he found them in the field, and then he ſaid he found them in Mr. Alſop's yard; I took them to the watch-houſe, and the proſecutor came and claimed them.

Priſoner. I ſaw the pigeons laying in a bag, and I brought them to this place, and put them there, as I wanted to go to work.

Court to Proſecutor. Who are theſe boys? —They are two boys, whoſe mothers live, I believe, in the pariſh, and are waſherwomen, they have been frequently with me begging, I would do all I could for favour to be ſhewn them; there is a well known gang of them, the eldeſt of whom is not twenty, who are frequently ſtealing chickens: I ſuppoſe they lifted one another up atop of the wall, and then unroofed the hay loft.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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862. THOMAS TIPPING was indicted for feloniouſly ſtealing, on the 25th day of Auguſt laſt, 30lb. weight of old pipe, value 2s. belonging to George Graham, and then and there fixed to his dwelling-houſe, againſt the ſtatute.

GEORGE GRAHAM *ſworn.*

My pipe and pump-handle were cut.

THOMAS READY *ſworn.*

About five, or before, in the morning, the 25th of Auguſt, I was alarmed by the noiſe

noise of thieves in the cellar, I ran down the stairs, we looked about, I thought the thief was gone up the chimney, and they brought a light, and there he was.

JOHN WEBSTER *sworn.*

I stood below at the bottom of the chimney, and I saw the prisoner come down.

PRISONER's DEFENCE.

A boy knocked me down, and my hat flew off into the cellar, and I went down for it, and while I was down, they cried thieves, and I went to hide myself.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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863. WILLIAM HARBOUR was indicted for feloniously stealing on the 19th day of July last, one pair of men's leather shoes, value 4s. the property of Serjeant Smith.

SERJEANT SMITH *sworn.*

I am a shoemaker in St. Giles's, I lost a pair of shoes from the window, on the 19th day of July last, they hung there, I missed them soon after, and was informed the prisoner had taken them, I pursued him to the bottom of Newtoner's-lane, which is a very little distance, he had one shoe in each pocket, he took these shoes out of his pockets himself in my presence.

(Deposed to.)

ANDREW JOHNSON *sworn.*

I saw the prisoner take one or two shoes, I could not tell which; I told the prosecutor, and we pursued and took him, he delivered up the shoes; he behaved exceedingly civil, and did not hesitate in the least.

PRISONER's DEFENCE.

I met a person who owed me a trifle, and he gave me these shoes for 4s. 6d. and I put them into my pocket.

The prisoner called three witnesses who gave him a very good character.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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867. FRANCIS DIXON was indicted for feloniously stealing, on the 15th day of August last, one cloth great coat, value 6s. the property of Edward Rhodes.

EDWARD RHODES *sworn.*

I am a hackney coachman, I lost my great coat, it was on my box when I got off to let out my fare, and I turned to follow them into the house for my money, and I was told my coat was taken by that man, I followed and took the prisoner with my coat on his shoulder, I lost sight of the other two. *(The coat deposed to.)* This is the third coat I have lost this summer, and I have never another coat but this.

Prisoner. I picked up the coat from the ground.

GUILTY.

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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865. THOMAS PROBERT was indicted for feloniously stealing, on the 14th day of September last, twelve pair of shoe buckles, value 6s. and four pair of stuff shoes, value 4s. the property of Samuel Simkins,

SAMUEL SIMKINS *sworn.*

I am a shoemaker, in little Warner-street, Coldbath-fields, I lost sixteen pair of shoes, the

the 14th of September, from my ſhop, which was broke open in the night; it was ſafe at nine o'clock, the top part of the door was broke open, and my ſhoes gone; I found nine pair of them on Thurſday afternoon, they were ſtopped in Field-lane; I know the priſoner by ſight, he lived in the ſame ſtreet, he rented a lower apartment, he is a child's pump maker.

ISRAEL LEVY *ſworn.*

I was walking along, crying cloathes, and I bought five pair of ſhoes of the priſoner, on Thurſday laſt, between two and three, I gave 3s. for the whole, they were very bad ſhoes, one pair was all bad in the upper leather.

(Depoſed to.)

SIMON MARK *ſworn.*

I bought four pair of ſtuff ſhoes of the priſoner laſt Thurſday between three and four, for four ſhillings and ſix-pence.

(Depoſed to.)

PRISONER's DEFENCE.

I am a ſhoemaker by trade, and getting up in the morning, I went to a leather-cutters, and I ſaw a man offer to ſell theſe ſhoes to a Jew; I had a trifle of money in my pocket; the Jew and he could not agree, and I bought them of him; I ſold them out in the ſtreet, and never went within doors to ſell them; I bought them at ſeven on Thurſday morning; all my friends are at Kingſton upon Thames.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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845. EDWARD DAVIS was indicted for burglariouſly and felonioufly breaking and entering the dwelling-houſe of John Scandret, on the 15th of September, about the hour of eight in the night, and burglariouſly ſtealing therein two iron vices, weight 58lb. value 21s. the property of Francis Lawley.

FRANCIS LAWLEY *ſworn.*

I am a ſteel worker; I work in the Black-raven-paſſage, Fetter-lane, I work in a ſhop that joins the proſecutor's houſe, there is a houſe of each ſide of it, it joins both theſe houſes; it is a private paſſage.

Court. Are there any rooms over your work-ſhop?——None at all, nor any communication to the houſe: on Thurſday morning I went out, and I locked up the ſhop, the inner door, with a padlock, haſp and ſtaple, and the outſide door upon the ſpring lock; I came home about twenty minutes after eight, as near as poſſible, in the evening, and I found the box ſtaple wrenched back, I went in and felt in the dark, and I miſſed my vice, and then another; I got a candle out of Mr. Scandret's houſe, and the priſoner came out of the houſe, and came into the ſhop to me, and he ſays, God d——n you, this is the third time your ſhop has been robbed; I ſaid, I know it has; he ſaid, why did not you take your vices and lock them at Mr. Scandret's, as you did the ſecond time you was robbed; then I came into the public houſe, and he brought me a pot of beer, and ſays, God d——n you, here, drink, you will find it out in time; I went down into the vine vaults, and I received information that the priſoner was the man that robbed me, I went to the neighbouring pawnbroker's, and I found the vice at Mr. Ferris's; I am ſure of the vice; I found it within ten minutes, and I found the other that is here at an old iron ſhop in Shoe-lane, at one Mr. Kent's; one vice is broke in the ſpring belonging to the flower, and the other is broke in the ſecond turning in the worm in the box; there are not, I ſuppoſe, two ſuch vices in the kingdom; I came back again to Mr. Scandret's houſe, and there the priſoner ſat drinking; I took him out of the houſe, and got aſſiſtance; I took him to the

the corner of Stone Cutters-ſtreet, and there he began to cry, and begged for mercy, and acknowledged he had robbed me; he ſaid he would give me my property again.

Did you make him any promiſe?—— None at all; he wanted to go into a public houſe, and I took him out of the ſame houſe, and there he ſaid he had not made away with much of the money; he ſaid he had pawned one for five ſhillings and ſix-pence.

Priſoner. I beg to aſk the witneſs whether he was not tried capitally at this bar; another thing, I have it not in my power to employ a council, and I hope you will look over that bit of paper before my trial goes on; I hope your Lordſhip will have the kindneſs to do me juſtice.

Court. Has the witneſs been ever convicted ſo as to diſqualify him?—— I was tried in this court, doubtleſs, but it is many years back; I was not called on my defence, I was honourably acquitted.

LAWRENCE PEARSON *ſworn.*

I am ſhopman to Mr. Ferris, this vice was pledged at our ſhop on this day evening, a little after eight, by the priſoner; I am ſure of his perſon; I never ſaw him before; he has the ſame dreſs on now that he had then; the proſecutor was with me about ten minutes after; I gave him the deſcription of the man; I ſaw the man two days following; I have no doubt at all of him.

(The vice depoſed to, being broken in the flower.)

JOHN DAVIS *ſworn.*

I was coming through the Blackraven-paſſage, and I went in to have a pint of beer, the priſoner came in to me, and preſently news came in that the ſhop was robbed, and he ſaid to the proſecutor, d——n your fooliſh ſoul, this is the third time your ſhop has been broken open, and ſaid, if you had carried the vices to Mr. Scandret's houſe you would not have loſt them, I went with the proſecutor to Mr. Pearſon's ſhop, where the vice was found, then when we came back the proſecutor charged him with the robbery, and he took him down to Stonecutter-ſtreet, and then he acknowledged it in my hearing, and we brought him back to the public houſe, and the priſoner ſaid, name the things you loſt in the firſt robbery, and you ſhall have them, ſo he named one thing or two, and the priſoner ſaid, I cannot, they are gone.

(The following defence in writing was delivered in by the priſoner, and read by the Clerk of the Arraigns.)

To the Right Honourable Lord Judge.

Moſt honoured Sir,

I moſt humbly beg that your goodneſs will be pleaſed to excuſe the way of proceeding which I have taken, and moſt humbly beg that you will be pleaſed to take my hard caſe into conſideration, and extend your Lordſhip's goodneſs and mercy on me, as far as you may think me worthy of it, when you hear my hard caſe, and the *primonary* that I drawed into innocently; the particulars of which is as follows:

On the fifteenth inſtant, about ſeven o'clock, I was drinking with Mr. Davis, who is one of the witneſſes againſt me, and I having occaſion to go to the door, when I was at the door I was *accoſt* by a man who came up to me, and telling me that he was a ſtranger, he would take it as a favour if I would inform him where there was a pawnbroker, and I not thinking of the conſequence that might attend a thing of the kind, I took the things which he had, and went and pawn'd them for him, and brought him the money; and by obliging, he aſked me to drink, but I return'd him thanks, and told him that I was engag'd at the houſe he ſaw me come out of, therefore I wiſhed him good night, and return'd back, and in the ſpace of about half an hour the proſecutor came in and ſaid his ſhop had been robbed, and on his mentioning theſe words he went out, when the witneſs Davis went out after him, and they both

both returned in the space of fifteen minutes, and said they had a suspicion that I had robb'd the prosecutor's shop, as they had found the things was pawn'd by me, I told them I knew nothing of it, but was willing to go any where with them, and accordingly they took me to the Compter, and I was taken the next day before the alderman, who committed me for trial, and as I am entirely innocent of what is laid to my charge, I hope your Lordship will extend your goodness so far as to inspect into my prosecutor's character, as he has been tried in this court twice for his life, and I am well convinced this is done out of spite, because I worked for him some time ago, and not liking his proceedings, I left him; and he keeps an infamous house in George Yard, Field-lane; therefore your Lordship may judge what sort of a person he is, and as I have an undeniable character, and was never before in a *primeary* of the kind, I hope your Lordship will inspect into my unhappy case, and I, as in duty bound, shall ever pray;

And I am your Lordship's most devoted, and most humble servant,

EDWARD DAVIS.

The prisoner called three witnesses to his Character.

GUILTY

Of stealing, but not of the burglary.

Transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

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867. PHILIP RUSLET was indicted for feloniously stealing, on the 5th day of July last, twenty-three guineas, value 24l. 3s. and one half guinea, value 10s. 6d. and four pieces of foreign gold, called royers, value 4l. 14s. the property of Henry Levi, in his dwelling house.

Henry Harris called on his recognizance, and not appearing, the prisoner was

ACQUITTED.

Tried by the first London Jury before Mr. ROSE.

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868. JOHN AUGUST was indicted for feloniously stealing, on the 16th of August last, six pewter plates, value 3s. the property of David Wilton.

GUILTY.

Whipped.

Tried by the first London Jury before Mr. ROSE.

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869. RICHARD MARNEY and JEREMIAH MURPHY were indicted for feloniously stealing, on the 16th day of September, forty pounds weight of lead, value 2s. belonging to Henry Capel, and then and there fixed to a certain building of the said Henry against the statute.

A second count, for feloniously stealing, on the same day, forty pounds weight of lead, value 2s. belonging to James Haywood affixed to his dwelling house, against the statute.

HENRY CAPEL *sworn.*

On Friday evening last, about ten minutes before seven, a gentleman that lives opposite alarmed me, and I went out, and saw two men, as I thought, in the very act of cutting lead upon the top of my house: the noise of the people alarming them, they desisted and went to the parapet wall of my neighbour, and laid all along in the gutter: I went up stairs with my neighbour, who said, he had had a bricklayer and labourer at work all day, and had sent to them to know why they did not leave off, I went up stairs and met the prisoner Murphy the labourer; I took him in custody, I went into the garret, and just as I got into the the garret, the prisoner Murphy stood by

a basket and some tools, just by the parapet wall, where I saw him lay down under the window; I charged him with stealing lead, he denied it; the lead weighed about twenty-six pounds, it was twenty feet, it was very narrow, it is only the edging of a gutter: the house is mine.

Prisoner Marney, Did not you say you had been robbed a great many times, and I should pay for all?——I did say to the same purport, I have been robbed a great many times.

ABRAHAM DRY *sworn.*

In the course of last Friday, I observed these two men working on Mr. Palmer's house and one on another house, I watched them and saw Murphy lift something out of the gutter of Mr. Palmer's house, which lays higher than the other, and he afterwards got into the gutter of Mr. Palmer's house, I informed him; when I returned the prisoner Marney was at work on the house.

Thomas Palmer and William Herring confirmed the evidence of Capel.

PRISONER MARNEY's DEFENCE.

We were at work at the next door, and the parapet wall is two inches higher than the prosecutor's house, and in cutting the chips fell down, and I went on the parapet wall, and swept it away; we never were charged with a *half penny worth of roguery* before in our lives.

The prisoner Murphey called five witnesses who gave him a good character.

The prisoner Marney called one witness to his character.

BOTH GUILTY.

Each Transported for seven years.

Tried by the first Middlesex Jury before Mr. RECORDER.

870. JANE FLEMING wife of John Fleming was indicted for feloniously stealing, on the 9th day of August last, two linen sheets, value 6s. two check linen curtains, value 8s. one copper tea-kettle, value 3s. one bolster, value 3s. one blanket, value 2s. one fender, value 2s. one pair of tongs, value 12d. one copper saucepan, value 12d. one stew-pan, value 12d. the property of Andrew Wilson, being in a certain lodging room let by him to the said John Fleming to be used by the [illegible] John and Jane, in the lodging room aforesaid, against the statute.

The Prosecutor not being able to depose to a tea-kettle and saucepan which were pledged by the prisoner, she was

ACQUITTED.

Tried by the first Middlesex Jury before Mr. RECORDER.

871. CHARLES CLARK was indicted for feloniously stealing, on the 18th day of March last, one pair of thickset breeches, value 2s. the property of Joseph Lough.

The Prosecutor not appearing the prisoner was

ACQUITTED.

Tried by the first Middlesex Jury before Mr. RECORDER.

872. JOSEPH DYER was indicted for feloniously stealing, on the 21st day of July, one enamelled metal watch, value 20s. two silver table spoons, value 20s. one pair of silver tea-tongs, value 10s. the property of James Thomas.

The Prosecutor not appearing, the prisoner was

ACQUITTED.

Tried by the first Middlesex Jury before Mr. RECORDER.

873. GEORGE

873. GEORGE BAILLIE was indicted for that he, having been convicted of being a rogue and vagabond, for being found on a certain incloſed ground of one William Scavin, and committed for ſix months to hard labour, was found at large having broke out of priſon, and was thereupon convicted of being an incorrigible rogue, and delivered, and ordered to be detained for two years; he was afterwards at large, on the 14th day of May laſt, having in his poſſeſſion a certain inſtrument called an iron crow, and a piſtol, and two leaden bullets, with intent to aſſault ſome perſon or perſons againſt the peace.

WILLIAM BOWYER *ſworn.*

(Produced the records of the convictions of the priſoner, which he brought from the Clerk of the Peace, and examined by him.) It is a true copy.

(Read and examined by Mr. Garrow, Priſoner's Counſel.)

Court. Do you know the perſon of the priſoner?——There is a perſon in Court does, I do not.

Did you apprehend the priſoner at any time?—Yes, upon the night of the 14th, of May, between one and two in the morning of the 15th, coming along Great Queen-ſtreet, from the fields, I met the priſoner in company with three others, he was laſt and had an apron on, and this iron crow was tucked underneath the inſide of his apron, I then told the reſt of the men, to purſue the other two, and one of them was taken; then I took the priſoner by the arm, I ſearched him further, and I found this piſtol loaded upon him: he was committed as a rogue and vagabond, we knew nothing, at leaſt I did not, that this man had been committed before.

Mr. Garrow, What account did he give of having that piſtol?—Would you wiſh me to tell you.

I am inſtructed to aſk it?——He told me that he and ſeven others of them, were going to break open a houſe in the fields.

THOMAS MUMFORD *ſworn.*

I belong to the gaol, I was preſent when he was convicted for ſix months, and when he was convicted for two years.

Mr. Garrow. When was the firſt conviction?—I cannot tell.

What was the firſt offence?——I believe ſome keys, I will not be ſure.

Did you let him out on purpoſe to indict him?—No.

Was he let out at laſt?—I believe not.

He did get his pardon?——He did I believe, he was diſcharged in about fifteen months.

PRISONER's DEFENCE.

As I was coming down Queen-ſtreet, there were three or four men before me, and as they went paſt me I heard ſomething drop, it was a piſtol, I ſtooped and picked it up, I put it in my pocket, and I picked up the crow, and was going to put it in my apron, and he came up and took me, and they got away; Mr. Bowyer aſked me what houſe I was going to break open.

GUILTY.

The caſe reſerved for the opinions of the Judges, on the Act of Parliament.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON:

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

And Publiſhed by Authority.

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

874. HENRY FOSKETT otherwiſe FOXETT was indicted for that he, on the 25th of July laſt, did feloniouſly and falſely, make, forge, and counterfeit, and did willingly aid and aſſiſt, in the falſe making, forging, and counterfeiting, a certain deed, partly printed and partly written, called a bill of ſale, purporting to be ſigned by one William Maſon, and to be ſealed and delivered by him, dated the 18th of July, 1785, with intent to defraud Francis Butler.

A ſecond count, For uttering the ſame with the like intention.

A third count, For forging the ſame, with intention to defraud William Millan.

A fourth count, For uttering the ſame with the like intention.

FRANCIS BUTLER *ſworn.*

I ſummoned one Mr. Millan, a cooper, for forty-eight ſhillings, in Whitechapel Court, and got an execution againſt him, and me and the officer went to ſeize the goods under this execution; there was a bill of ſale, ſaid to be ſigned by Mr. Millan, and the officer aſked me, if I thought this bill of ſale was Mr. Millan's hand-writing, and I ſaid I did not know, but I would enquire, and we enquired, and finding it was not, the priſoner was committed.

Mr. Parke, Priſoner's Council. Did you ever ſee Mr. Millan write his name?—Yes, many a time.

JOHN SIMPSON *ſworn.*

I was the officer that went to levy the execution, and this bill of ſale was produced, purporting to be the bill of ſale of Mr. Millan, given by Mr. Foſkett, and I went to Mr. Stevenſon's houſe; I know nothing of the forgery, here is the bill of ſale, and the receipt.

——— STEVENSON *ſworn.*

Whoſe hand-writing do you take that to be?—It appears to me to be the priſoner's.

Have you ever ſeen him write?—Several times.

What do you ſay to his hand-writing?—I could not ſwear to it, without I ſaw him write it, I would not for the world.

Court. The comparing of hand-writing would not be evidence.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

875. JOHN

875. JOHN SIMPSON was indicted for that he, on the 7th of July laſt, at the pariſh of St. Mary Matſelon, otherwiſe Whitechapel, did marry one Hannah Turner widow, and her had for his lawful wife; and afterwards on the 16th day of December laſt, at St. George's, Middleſex, feloniouſly did marry, and take to wife, Mary Ann Harwood, and to her was married, the ſaid Hannah, his former wife, being then alive.

Priſoner. My Lord, I was tried for this very ſame thing at the laſt ſeſſions, and honourably acquitted.

Court. Get the record of acquittal.

(Read.)

Court to Priſoner. Have you any body here, to prove that you are the perſon that was tried laſt ſeſſions?—Mr. Newman.

MARY ANN SIMPSON *ſworn.*

Was this priſoner tried at the laſt ſeſſions for this offence?—Yes.

Court to Jury. Then Gentlemen his acquittal being recorded, and that being read over, he cannot be tried again for the ſame offence.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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876. ANN the wife of WILLIAM ABURROW was indicted for feloniouſly ſtealing, on the 9th day of Auguſt laſt, eight yards and an half of printed cotton, val e 21s. the property of William Gaſkell.

The witneſſes being called and not appearing, the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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877. SUSANNAH WOODELL was indicted for feloniouſly ſtealing, on the 1ſt day of Auguſt laſt, two table ſpoons, value 20s. one ſilver tea ſpoon, value 1s. five table cloths, value 5s. four pair of linen ſheets, value 12s. the property of Chriſtopher Plunkett.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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878. SARAH BLACKBURN was indicted for feloniouſly ſtealing, on the 30th day of Auguſt laſt, one linen ſheet, value 3s. one pillow, value 2s. one copper ſaucepan, value 12d. one copper coverlid, value 6d. two flat irons, value 12d. one pair of tongs, value 12d. one poker, value 6d. the property of John Terry, in a lodging room, againſt the ſtatute.

Mrs. TERRY *ſworn.*

I let the priſoner a ready furniſhed lodging about ſix weeks ago, we let it by the week; ſhe was in it a month, a man lived with her, that ſhe ſaid was her huſband.

Was he there conſtantly; I cannot juſtly ſay, I believe ſome nights he was there, and ſome nights he was not, I ſaw the things at the pawnbroker's.

JOHN TYLER *ſworn.*

I produce a pair of flat irons, and a copper ſaucepan, I lent her 6d. on each.

Priſoner. I took theſe things in the greateſt diſtreſs, I buried my huſband, and I buried my two children in the ſmall pox.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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879. ELIZABETH BLAND was indicted for feloniouſly ſtealing, on the 10th day of Auguſt laſt, one ſilk jacket, value 10s. one ſtriped linen waiſtcoat, value 5s. one pair of breeches, value 10s. one hat, value 1s. one pair of ſhoes, value 2s. one pair of buckles, value 3s. one pair of knee

knee buckles, value 18d. one ſtock, value 12d. one ſtock buckle, value 6d. and one guinea, value 21. 1s. the property of John Studley, in the dwelling houſe of a perſon unknown.

The proſecutor called on his recognizance, and not appearing the priſoner was

ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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880. STEPHEN THOMAS was indicted for feloniouſly ſtealing, on the 15th day of July laſt, forty pounds weight of cheeſe, value 16s. the property of John Tatham.

The proſecutor ſaw the priſoner take the cheeſe out of his cart, and took him directly with the cheeſe.

GUILTY.

To be whipped, and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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881. ROGER WHITE was indicted for feloniouſly ſtealing, on the 5th day of September, one ſheet, value 4s. one pillow caſe, value 8d. one ſhirt, value 2s. one coverlid, value 5s. the property of Ann Norberty, being in a lodging room, againſt the ſtatute.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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882. THOMAS CLARKE was indicted for feloniouſly ſtealing, on the 16th day of July laſt, three hempen coal ſacks, value 5s. the property of Thomas Goddall.

NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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883. ROGER SWEETMAN was indicted for that he not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, with force and arms, upon the 5th day of September laſt, feloniouſly did make an aſſault upon one Henry Sanſum, in the peace of God and our Lord the King then and there being, and then and there maliciouſly, wickedly, and diabolically, and againſt the order of nature had a venereal affair with the ſaid Henry Sanſum, and then and there feloniouſly, wilfully, and againſt the order of nature, carnally knew him, and with him did then and there commit, and perpetrate that abominable and deteſtable crime (not to be mentioned by Chriſtians) called buggery, to the great diſpleaſure of Almighty God, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt his Majeſty's peace.

* NOT GUILTY.

* This priſoner being acquitted on this indictment, the Court ordered the evidence to be ſuppreſſed, as too indecent for publication.

Tried by the ſecond London Jury before Mr. RECORDER.

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884. The ſaid ROGER SWEETMAN was again indicted for unlawfully aſſaulting Richard Read, on the 10th day of July laſt, with intent that moſt horrid, abominable, and deteſtable crime (not to be named among Chriſtians) called buggery

with him to commit and do, againſt the ſtatute, and againſt the peace.

A ſecond counts, For a common aſſault only.

RICHARD READ *ſworn.*

Court. What are you?—I work at ſawing ſometimes.

How long have you been out of employ?—A fortnight very near.

Where do you live?—In Lad-lane, at the Crown.

Have you any father or mother living?—Yes, in the country.

Do you know the priſoner?—Yes, I have known him by ſight above two years.

Are you much acquainted with him?—No, only I have drank with him.

Did he behave in any improper manner at any time, and when?—On the 20th of July, my landlady ſent a young man to ſleep with me, and ſhe and I quarrelled, I lodged at the George at that time, I told her I would not ſleep in the houſe, and the priſoner was there, and he ſaid, go home along with me Dick, ſo I will ſays I, Sweetman.

What time of night was this?—Between twelve and one, when we went to the priſoner's we went up ſtairs, and went to bed juſt after the clock ſtruck one, I went to ſleep before the priſoner got into bed, I do not know that I heard him, and about two o'clock I awaked, and his arms were clenched round me, and he had turned me on my face, and he had got his inſtrument between my thighs, and I twiſted myſelf and made him break his hold, I got my breaſt on the bedſtead, and I took hold of him with my left hand, and gave him two or three good pelts over the head, I laid hold of him by his breaſt, the fleſhy part; then I aſked what he thought of himſelf, and what he deſerved, he ſaid, do not tell, do not tell, my dear, do not tell, ſeveral times over; then I ſaid, what do you deſerve, ſays I, you take care for the future, never offer any ſuch thing any more to any man, if you do you will get into a hobble: I laid till morning, and he laid on the other ſide, and never offered anything more.

Why did not you leave him directly?—I was diſpoſed to go to ſleep, and he ſaid very kind afterwards, after I gave him a knock or two.

How ſoon did you tell this to any body?—I cannot tell exactly to the day, I told it to a porter that I knew, that I went home with him, and he wanted to ſerve me ſo and ſo, and he ſaid it was a naſty affair, I never made any complaint to any juſtice till he was taken up.

How was you found out?—A man, an acquaintance of the proſecutor on the laſt trial, ſtopped me, and told me the priſoner was taken up for a crime I was talking of.

Priſoner. The proſecutor and me were both very much in liquor, that is all that I can ſay.

SAMUEL SINGLETON *ſworn.*

I know nothing but apprehending the priſoner.

Priſoner. The landlady's houſe was terrible full, and I ſaid, Dick, go home with me, and we went to bed, and we ſlept together all night, and three weeks or a month after, I heard what he ſhould ſay about me.

GUILTY, *on the firſt Count.*

Court to Priſoner. You have been convicted on very clear evidence, which appears perfectly to have ſatisfied a very cautious and attentive Jury, of a crime only ſhort of that which would have affected your life; a crime which all mankind juſtly hold in the utmoſt deteſtation, and which where the diabolical tendency is obſerved in any perſon, it is neceſſary for thoſe concerned in the adminiſtration of juſtice, to repreſs with the utmoſt ſeverity of puniſhment: under thoſe circumſtances, therefore the Court orders, that you be impriſoned in his Majeſty's gaol of Newgate for the term of three years, and during that time twice publickly whipp'd; and it is recommended to the Sheriff, to execute that ſentence with proper ſeverity.

Tried by the ſecond London Jury before Mr. RECORDER.

885. MICHAEL DRUITT was indicted for that he, on the 20th day of April laſt, feloniouſly and falſely did make, forge, and counterfeit, and cauſe and procure to be falſely made, forged, and counterfeited, and willingly aid, and aſſiſt in the falſe making, forging, and counterfeiting a certain order for payment of money, dated 18th April, 1785, with the name J. Wood thereto ſubſcribed, purporting to be ſigned by Joſeph Wood, directed to Thomas Hankey, Joſeph Chaplin Hankey, Stephen Hall, Robert Hankey, and Richard Hankey, Eſquires, by the name and deſcription of Meſſrs. Hankey and Co. for the payment of 17l. 12s. 6d. and which ſaid falſe, forged, and counterfeited order for the payment of money, was in the words and figures following, that is to ſay, "Meſſers. Hankey and Co. pay Mr. Barnes or bearer 17l. 12s. 6d. J. Wood, April 18th 1785," with intention to defraud the ſaid Thomas Hankey, Joſeph Chaplin Hankey, Stephen Hall, Robert Hankey, and Richard Hankey.

A ſecond Count, for uttering the ſame, with the like intention.

A third and fourth Counts, The ſame as the firſt and the ſecond, with intention to defraud Joſeph Wood.

(The witneſſes examined apart at the requeſt of Mr. Garrow and Mr. James, Priſoner's Counſel.

(The Caſe was opened by Mr. Fielding as follows:)

Gentlemen of the Jury, your attention is now to be directed to the inveſtigation of a charge, which as it may be of the laſt conſequence to the unhappy young man at the bar, ſo is the puniſhment of the crime imputed to him, of the utmoſt importance to this town: I ſhall firſt ſuggeſt to you, the parties in this tranſaction, and the manner in which the priſoner was apprehended. Mr. Joſeph Wood, whoſe draught has been forged, was in habits of intimacy with the brother of the priſoner, during their intercourſe Mr. Wood had frequently ſupplied him with ſums of money, and thoſe ſupplies were by way of draught, whether the priſoner took opportunity from theſe draughts to commit the crime in queſtion, I know not: although there are ſeveral more indictments here remaining againſt the priſoner, I do not think myſelf at liberty to go into any of the facts concerning them at preſent, but I ſhall confine myſelf to the preſent tranſaction. On the 20th of April laſt, a Mr. Tait, who is a clerk of Mr. Hankey's, was in the office for the purpoſe of paying the draughts that were brought, and then it was that the draught, the object of the preſent enquiry, was brought by the priſoner; Mr. Tait, upon looking at the draught, had ſome ſuſpicion, he thought there was an evident diſſimilarity in the writing, he went to a drawer where there were two other draughts which we ſay are forgeries, and which had been preſented a little time before, but on comparing this note with thoſe, and their appearing alike, he was induced to pay it; however, the circumſtance itſelf cauſed him to ſuſpect the priſoner, and made him take a more than ordinary notice of him: Gentlemen, undoubtedly the evidence of identity will be always received with conſiderable caution: probable it is, very probable, that perſons may be deceived with reſpect to likeneſs, and with reſpect to recollection; but where there are circumſtances that aid the memory, and induce at the moment particular obſervation, people in caſes like this, may be enabled to ſpeak with as much certainty as any human creature can do from memory; and you well know, many of the tranſactions in life require we ſhould rely on memory, for ſeldom do we come to demonſtration; if Mr. Tait therefore ſpeaks certainly to the man, there will remain nothing but for you to go into the other circumſtances of the forgery, which I ſhall then proceed to lay before you, and if they are proved to your ſatisfaction, it will then become your duty to find the priſoner guilty of the charge.

WIL-

WILLIAM TAIT *sworn.*

You are clerk to Mr. Hankey?—Yes.

What is the firm of your house?—Thomas Hankey, Joseph Chaplin Hankey, Stephen Hall, Robert Hankey, and Richard Hankey. I speak of the partnership in April last.

Look at the prisoner, have you a recollection of him?—Yes, Sir, I think I have a very strong one.

Did you see him in April last, and where?—On the 26th of July, at Hoxton.

Did you see him on the 20th of April?—It struck me very forcibly that he was the same I saw on the 20th of April.

On the 20th of April a man came to your house?—Yes.

At what time of the day?——About ten in the morning, as far as I can gather from my own book, this is the draught I have in my hand; I looked at the writing, and I saw a sensible difference to Mr. Wood's usual way of writing; I took the opinion of my fellow tellers at the counter, and they told me it certainly must be his writing, they thought it was; I was not perfectly satisfied, but referred to a drawer, in which Mr. Wood's draughts lay, I looked at the draught, and found it the same hand-writing, I paid sixteen guineas and a half, and six shillings, and the gentleman returned me two shillings as bad.

Mr. Garrow, one of the prisoner's counsel. In what shape did you pay the draught?—Sixteen guineas and a half, and six shillings in silver.

Have you a memory of the person that so presented the draught to whom you paid the money?——I had a very strong recollection then, I had rather speak to the time that I saw him on the 26th of July.

Court. Did you ask the person who presented the draught any questions?—None.

Mr. Fielding. Did you take any observation of the person?—Yes, I looked at his person, and I apprehended in myself he was a relation of Mr. Wood's, because I thought there was a kind of family likeness in the fullness of his eyes to Mr. Wood's son, but I found it was quite different.

On what occasion was it that you saw him at Hoxton?—He was taken into custody by a constable.

Look again at the prisoner at the bar, is he or is he not the person that presented the note; what is your opinion of him now, that you can warrantably say upon your oath?—I believe him to be the same, on recollecting that it struck me so forcibly then.

Mr. Fielding. Does your memory serve you to say whether that was the man or not?——I will not say, but upon that recollection.

Do you believe him to be the man?——I believe him to be the man that presented the notes, but I only believe it upon the strength of that recollection.

Court. That is a very fair and candid evidence.

Mr. Fielding. Do you know Mr. Wood?—Yes.

Mr. Garrow. Now, Mr. Tait, I am disposed to hope, as the court does, that you mean to give a very fair and candid account; it is that hope that induces me to give you a caution, because I have here your information before a Magistrate; now, you have told my friend, with some difficulty, (which certainly is in favour of your testimony) that after all the corroborating circumstances that you have put together, you do believe that the person at the bar is the person that presented the note.

Court. He says he does not speak from his knowledge now, from his recollection.

Mr. Garrow. Now I ask you, abstracted from all you have heard, from all you have done at the bank, and all that has been told you on the subject, I ask you, without these corroborating circumstances, will you swear the prisoner is the person that presented the note?——I hesitated, as you remember before, about that question, nor can I answer it now; I say I am uncertain.

That is a very fair answer; and just such an one as I expected you to give; you have told us very fairly that you are uncertain, I believed that you was, because I observe that

that in the catalogue of reasons you gave before the Magistrate, your recollection of the person is not to be found; you was examined, I believe, by the Magistrate on the 29th of July?—On the 26th in the evening.

Then your examination was reduced into writing, and signed by you?——Yes.

In that examination I see you enumerated several reasons which induced you to suspect, (for it goes no further than that you had great reason to suspect) upon several accounts, that one Michael Davis was concerned in this forgery; now, amongst those several reasons, though so close on the time, there is not one single mention of the person of the man that tendered you the note; the person, whoever he was, who received the payment, appears by your books to have taken it in cash?——Yes.

No notes composed that payment at all?——None at all.

You was some time examining the draughts, and comparing?——Perhaps a minute.

And there was nothing in the conduct of the prisoner or the draught, that induced you to stop the draught?——No.

The person who received the money returned two of the shillings as bad?——Yes.

Did not you before the Magistrate say you did not recollect him, and could not swear to him?——I might say I could not swear to him.

That was in July; now, in September, having clapped together a variety of circumstances, you believe he is the man; the draught was tendered in April, and you did not see him till July, and then he was in custody for forgery?—He was in custody then.

Did you go to the house of the prisoner on the 25th of July?——No.

Do you know, however, that there was an application made to him on this subject on the 25th?——I have heard so.

And you have reason to believe it, it was made by your house?—Yes.

He was found in his own house the 26th?——Yes.

At what time do you begin paying in a morning?—Nine.

What is your high time?—Between one and five; we have but little to do of a morning.

Mr. Fielding. Mr. Wood keeps money in your house?—Yes.

Do you know any thing of the account between Mr. Wood and Hankey?—Yes.

Mr. Garrow. Is the book here?—Yes.

Court. Is the book in your hand-writing?—I have signed it.

Mr. Garrow. It is only an attested copy of better evidence; you may as well hear my friend's brief.

Mr. Fielding. Your Lordship very well knows my friend would object to Mr. Wood, and I shall not call him without a release; I shall call others who know his hand-writing perfectly well.

Joseph Wood, junior, called, but did not appear.

EDWARD BULLINGER *sworn.*

Do you know Mr. Joseph Wood the elder?——Yes.

Do you know his hand-writing?—Yes.

Have you seen him write often?—Yes.

Are you able to say, when you see a piece of writing, whether it is his hand-writing?—Yes.

Look at that?—I am positive sure that is not his hand-writing; I have seen him write so often.

Mr. James. Why, Mr. Bullinger, your manner of swearing appears pretty confident?—I am sure it is not his hand-writing.

In short, you are just as sure as you are of your own hand-writing?—More so.

Who may you be?—I have lived with Mr. Wood these seven years; I am a carpenter and joiner.

Court. Have you ever seen Mr. Joseph Wood the younger write?—Yes, often.

Is that like his hand-writing?—I do not believe it is, I do not think it is.

You are not quite so sure of that as the other?——I am quite sure, I could almost swear it.

But not quite?—I think I could.

Look at it, and make yourself sure?—I never saw him write like it.

Court. I observe, however, that you do not speak with the same certainty to that as to the other?—I am quite positive it is not the elder's hand-writing.

Mr. Fielding. Is the younger Wood here?

Prosecutor. He was obliged to step home; I told him I believed he might be spared for a few minutes.

Mr. Fielding. Then do once more enquire at the door if he is there?

Mr. Garrow. He says he is gone home; do not let us lose time.

Wood. He cannot be gone above five or six minutes.

Mr. Fielding. I have done, my Lord.

Court. If young Wood was here, I should think it incumbent on Mr. Fielding to call him, especially after the manner of the last witness giving his evidence.

Mr. Fielding. I have no further evidence in this case.

Court. Gentlemen of the Jury, it is impossible to call on the prisoner for a defence in this case; it stands merely that a person brought a draught to Hankey's and Co. which one witness swears is not the hand-writing of the person whose writing it purports to be, for payment; no questions were asked that person, payment was made; and now one witness swears, that he believes the prisoner to be the man, but is not sure of it: in the first place there is no reason to believe that that person, whoever he was, knew it to be forged, his conduct in returning two bad shillings is reverse to that, and if the mere taking money for a draught would make a man guilty of forgery, a man would never take a draught; at the same time it is but justice to the prosecution to say, that though the recollection of Mr. Tait is very uncertain, and that uncertainty is greatly increased nearer the time of presenting the draught, yet such recollection is a proper reason for commencing this enquiry.

NOT GUILTY.

(The moment the verdict was given, Wood, junior, came into Court.

Mr. Garrow moved the Court to have the prisoner's property returned to him, which was opposed by Mr. Fielding, the Court made no order, but observed, that there was but a very slight ground to justify the detention of the prisoner's person, and no ground at all to justify the detention of his property.

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886. The said MICHAEL DRUIT was again indicted for uttering and publishing as true, on the 18th of April last, a certain forged order for payment of money, with the name J. Wood thereto subscribed, directed to Messrs. Hankey and Co. for 49l. dated 15th April last.

NOT GUILTY.

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887. The said MICHAEL DRUIT was again indicted for uttering and publishing as true, on the 4th of May last, a certain forged order for payment of money, with the name J. Wood thereto subscribed, directed to Messrs. Hankey and Co. for 35l. payable to self or bearer, dated 3d May 1785.

NOT GUILTY.

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888. The said MICHAEL DRUIT was again indicted for uttering and publishing as true, on the 26th of April last, a certain forged order for payment of money, with the name J. Wood thereto subscribed, directed to Messrs. Hankey and Co. for 40l. dated 26th April 1785, payable to self or bearer.

NOT GUILTY.

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889. The said MICHAEL DRUIT was again indicted for uttering and publishing as true, on the 19th of April last, a certain forged order for payment of money, with the name J. Wood thereto subscribed, directed to Messrs. Hankey and Co. for 12l. dated 18th April, 1785, payable to Mr. Watts or bearer.

890. The said MICHAEL DRUTT was again indicted for uttering and publishing as true, on the 2d of May last, a certain forged order for payment of money, with the name J. Wood thereto subscribed, directed to Messrs. Hankey and Co. for 45l. payable to Mr. Warren or bearer.

NOT GUILTY.

Mr. Tait. I wish to speak a word before the prisoner goes from the bar relative to my conduct.

Court. With respect to your conduct, I must say, I have not met with a fairer witness.

All these six indictments were tried by the first London Jury before Mr. RECORDER.

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891. SARAH BLACKBURN was indicted for feloniously stealing, on the 2d day of September, 1783, one black silk gown, value 21s. four shifts, value 10s. one handkerchief, value 10d. and one shift, value 12d. the property of ——— Montcrief.

CATHERINE MONTCRIEF *sworn.*

The prisoner lodged in the same house with me, I had not seen her for a year and an half, I lost the things in the indictment the 2d of September, 1783; the shirts belonged to a gentleman's servant, I had them to wash; I found the prisoner out, and went up to her lodging; I found nothing but one handkerchief that was on her neck, which I can swear to by an iron-mould; I asked her what she had done with my clothes; and she fell down on her knees, and said she had sold my clothes the corner of John street, to some Jews; I said I should be happy to get my things again; I made her no other promise; she said she was drunk or mad when she sold them, and sold them for nine shillings.

CHARLES CHINNERY *sworn.*

I apprehended the prisoner in her room, I went with the prosecutor, I asked her which was the prisoner, as there was another person in the room, the prisoner said I am the unfortunate person; I made her no offer or promise, and I asked her what she had done with the clothes of Mrs. Montcrief's; and she instantly replied, she had sold them in the street to a Jew or Jews; she begged very hard not to go to the watch-house; and Mrs. Montcrief said, if she would promise to be found on Monday she would not take her; I saw her afterwards before the Justice.

Mrs. Montcrief. She promised to walk with me, and she did, and I gave her a breakfast, and kept her till Monday.

PRISONER's DEFENCE.

I am innocent, the prosecutrix came to me and asked me to breakfast, and she brought a common girl, a lodger of hers, a prostitute, and she told me of her loss: I had not seen her since the 7th of May: as for handkerchiefs, I have no more than this that I borrowed of a young woman.

Court to Constable. Did anything pass about a handkerchief?—I do not recollect, I was a very little while in the room.

Prisoner. She is a very bad kind of woman, she has been laying in the Old Bailey yard now, that all she wished was to take away my life.

Court to Prosecutrix. Do you live with your husband?—I have lived with him ten years.

GUILTY.

To be privately whipped and confined to hard labour twelve months in the House of Correction.

Tried by the first Middlesex Jury before Mr. ROSE.

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892. WILLIAM STITT was indicted for feloniously stealing, on the 2d day of

of August last, two quart pewter pots, value 2s. the property of William Bourle.

GUILTY.

To be imprisoned three months in Newgate.

Tried by the second London Jury before Mr. ROSE.

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893. MARY POOLE was indicted for feloniously stealing, on the 22d day of July last, two white linen aprons, value 1s. four checque aprons, value 1s. one pair of sheets, value 2s. two shifts, value 2s. the property of Bernard Bell and John Sells.

A second count, For stealing the same, the property of the inhabitants of the parish of St. Giles's without Cripplegate.

A third count, Charging them to be the property of persons unknown.

GUILTY.

Privately whipped.

Tried by the second London Jury before Mr. RECORDER.

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894. WILLIAM GOLDSMITH was indicted for feloniously stealing, on the 6th day of July last, one cloth great coat, called a box coat, value 4s. the property of Richard Gee.

RICHARD GEE *sworn.*

I am a coachman, I drive my own coach, on the 6th of August last I put my coach on the stand, between one and two, at the May-pole, in East Smithfield; I gave my horses some corn, and went into the Black Horse public-house, to get my dinner; I returned in three quarters of an hour, and miss'd my coat; I was informed by a poor woman standing with a child, that she saw a man take it off the box; I went to Rosemary lane, and the prisoner was pointed out to me, and I took him into a public-house; the person that bought the coat came in instantly, and said in the hearing of the prisoner, that he had bought a coat of him; a constable was fetched, and the coat produced, which was mine; the prisoner denied selling the coat to the man.

HARWOOD *sworn.*

Here is the coat.

(Deposed to.)

ISAAC CELLINDER *sworn.*

On the 6th of August last I bought this great coat of the prisoner, between one and two, I live in Rosemary-lane; this is the coat; he said he was out of place, and had lived with a gentleman in the Minories, and that was the reason of selling it: I gave four shillings for it.

GUILTY.

Transported for seven years.

Tried by the second London Jury before Mr. RECORDER.

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895. WILLIAM CUNNINGHAM was indicted for feloniously stealing, on the 17th of August last, one linen and woollen bed quilt, value 17s. the property of Richard Miles and John Miles.

The prisoner was taken with the quilt tied round him.

The prisoner called five witnesses who gave him a very good character.

GUILTY.

Recommended by the Jury.

Fined one shilling, and confined six months in the House of Correction.

Tried by the second London Jury before Mr. RECORDER.

896. JOHN

896. JOHN CASS was indicted for feloniously ſtealing, on the 26th of July laſt, one linen handkerchief, value 1s. the property of Thomas White.

The priſoner was detected in picking the proſecutor's pocket by Gabriel Johnſon.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond London Jury before Mr. RECORDER.

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897. WILLIAM JACKSON and THOMAS GROVES were indicted for feloniouſly ſtealing, on the 15th of Auguſt laſt, one ſilver watch, value 40s. a ſtone ſeal ſet in ſilver, value 12d. a ſteel chain, value 6d. a key, value 1d. a hook, value 1d. the property of Benjamin Wright; ſix ſhirts, value 12s. the property of John Solden; a gown, value 12s. a cloak, value 20s. a worked lawn apron, value 2s. a handkerchief, value 12d. a pair of ſilver ſhoe buckles, value 5s. the property of Mary Weldon, in the dwelling houſe of the ſaid John Solden.

There being no evidence to affect the priſoners, they were

BOTH ACQUITTED.

Tried by the firſt Middleſex Jury before Mr. Baron HOTHAM.

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898. ELIZABETH CONWAY and MARY CONWAY were indicted for feloniouſly ſtealing on the 5th of July laſt, five yards of black ſilk mode, value 10s. the property of Henry Lucas, Eſq.

ELIZABETH ELLIS *ſworn.*

I live with Mr. Lucas, my miſtreſs ſent me to buy five yards of black mode, and a quart of peas as I returned, which I did of the priſoners, and I laid down the ſilk where I bought the peas, and in five minutes it was gone; I went about ten yards, as near as I can recollect.

Was the market full of people?—It was on Monday, there was a good many people about, I came back and aſked the priſoner if ſhe had got it, and ſhe ſaid no; I told her ſhe muſt have it, and ſhe ſaid to ſatisfy me ſhe would go to the Juſtice and take her oath that ſhe did not know any thing of it, I went to Bow-ſtreet and got a conſtable, and he took her to Bow-ſtreet; I heard her confeſs that ſhe took it, before Juſtice Addington; ſhe came to me about two minutes before I went before the Juſtice, and ſaid ſhe hoped I would not be ſevere with her, for it was her miſconduct, and ſhe took the ſilk, for ſhe wanted money to buy ſtrawberries; I had ſaid nothing before, and I gave her no anſwer.

Mr. Garrow, Priſoner's Council. You had not carried home the ſilk at all?—No, Sir.

Where had you purchaſed it?—In Swallow-ſtreet.

You laid it down while you tied up the peas and went away forgetting it?—Yes.

Was the old woman at the ſtand when you came firſt back?—Yes.

Did not ſhe ſay that ſhe found the ſilk laying on her ſtand, and that ſhe had pawned it, and if you would ſwear it was your property, ſo that ſhe might be ſatisfied, ſhe would reſtore it?—No, Sir, I ſaid if ſhe would reſtore my property I would pay the expences.

Was that before ſhe had told you ſhe had taken it?—Yes.

THOMAS CROSBY *ſworn.*

On the 5th of July laſt this ſame girl came down to me, I went with Mrs. Ellis, and I took the woman into cuſtody, and ſhe denied every thing; I told her it was better to own it, and give it up, ſhe would not; they told me where it was pawned, and I found it at the corner of Bedford-ſtreet, in the Strand.

Court to Ellis. Was her daughter at the ſtand?——She keeps another ſtand.

JOHN

JOHN BOND *sworn.*

I live with Mrs. Bates, the corner of Bedford-street, on the 9th of July the two prisoners brought three yards of silk to pledge, they only wanted five shillings; I would have lent them twice the money upon it; I asked them what it cost a yard, she told me it cost her four shillings; I have known the prisoners four years, and taken in things of five times the value of these; I always took them to be honest people before this.

Mr. Gurtow. Is there any mark upon it?—No, common black mode.

Court to Ellis. Look at that mode, can you swear to it?—I can swear to the quantity, but I cannot swear to the silk.

Jury. Was the quantity of silk in two pieces?—Yes, Sir.

BOTH NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron HOTHAM.

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899. JOHN BERROW was indicted for feloniously stealing, on the 12th day of September, one silver watch, value 3l. one steel chain, value 2s. and one stone seal set in silver, value 1d. and one key, value 1d. the property of George Price.

GEORGE PRICE *sworn.*

I and two more were returning home, and were joking and sparring with each other, and the prisoner and another came up, and pretended to be friends; my acquaintance Plumpton wanted to make a blow at me, and the prisoner jumped in between us, and desired no foul play might be shewn, I told him no; upon which I unbuttoned my waistcoat, and that instant I found my watch go from me; then the prisoner turned to go from me, and I caught hold of him, and he tumbled down, I charged him with stealing my watch, and he denied knowing anything of it; and two strangers came by, and they asked if he felt anywhere, and the watchman went with Plumpton, and looked, and Plumpton picked up the case in one place, and the watch in another, and the glass broke all to pieces.

Mr. Knowles, Prisoner's Counsel. Can you take upon you to say that you did not drop your own watch?—I think I can.

Are you positive of it?—Yes.

Why did you hesitate so much in the answer to that question?——Because I was recollecting.

Then you have some doubt?—No, I have no doubt, but as you put the question to me, it being a serious one, I was endeavouring to recollect.

Was you sober?——Rather merry.

Rather in liquor?——Yes.

You had been out spending the evening with some companions?—Yes.

You had been drinking a little?—Yes.

This was about one?—Yes.

All of you pretty merry?—We were rather merry.

Are you sure you were not drunk?——I own I was rather merry.

SAMUEL PLUMPTON *sworn.*

I had been spending the evening with this young man in St. Paul's Church yard.

Where do you live?—We live in Black Friars.

You went to Covent-Garden for a frolick?—No, Sir, we came round Ludgate-hill with a young man that was going to Bride-lane, and there was an engine, and we pursued it as far as Maiden-lane, and then one said to another, we will take a walk round Covent-Garden; we stopped at the corner of the Piazza, next James-street, and had some saloop, and he caught hold of my hair behind, and pulled me back, which rather vexed me; upon which I turned round and made a blow at him, and he began sparring at me, and the prisoner and another person came up, under pretence of being my second; I then went to strike at Price, and the prisoner quitted me and ran in between, and called out no

foul play; immediately I heard Price halloo out to me, Sam, I have loſt my watch; and two ſtrange gentlemen came up but juſt before, he obſerved to him, if you will return me my watch, I will let you go; we went with the watchman, and picked up the caſe and the watch, the glaſs was broken; I think Price had his waiſtcoat unbuttoned when I came up.

Was Price drunk or ſober?——He was rather mellow, but far from drunk.

Mr. Knowles. Then I am to underſtand that you had been drinking, and had been wandering out of your way, and had ſtruck out a fooliſh quarrel?——Yes, we thought we would go round the garden.

HENRY BAMBRIDGE *ſworn.*

I am only the conſtable; they told me much the ſame ſtory that they told your Lordſhip; Mr. Plumpton gave me the watch.

(The watch produced, having a very remarkable watch-paper of the year 1784.*)*

(Depoſed to.)

PRISONER's DEFENCE.

I was coming by, and one of the gentlemen ſaid, will you take my part, I ſaid with all my heart; he ſaid he had loſt his watch, I ſaid I was very willing to be ſearched; they ſearched me, but found no watch.

The priſoner called four witneſſes, who gave him a very good character, and ſaid he was the ſon of very reputable parents, and clerk to an attorney, and Mr. Knowles aſſured the Court he had fourteen more witneſſes to call to his character, if neceſſary.

NOT GUILTY.

Court to Priſoner. You have had ſeveral witneſſes, who have given you a good character, and the Jury have acquitted you; I do not think this trial will be any imputation on your character; but yet it will be a means of cautioning you againſt the dangerous conſequences of bad company, and bad hours.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

900. MARY MOON was indicted for feloniouſly ſtealing, on the 26th day of July laſt, one muſlin apron, value 3s. the property of Thomas Ham.

THOMAS MIDDLETON *ſworn.*

I ſaw the priſoner the 16th of July, between twelve and one, ſtanding at the window of Mr. Ham, a linen draper at Temple-bar, and I ſaw her put her hand under her cloak, and take hold of the corner of this apron; ſhe put her hand round the door-poſt; it is a narrow door-poſt, I came up to her, and put her into the ſhop, ſhe left the apron, at the outſide of the window.

Had ſhe got it out of the window?—No, Sir, ſhe took hold of the corner, and pulled at it, but I prevented her before ſhe got it out of the place.

Court to Jury. Gentlemen, I need not give you any further trouble, this young man prevented her from committing the felony.

NOT GUILTY.

Court to Priſoner. Be careful in future.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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901. JOHN HENRY AIKLES was indicted for feloniouſly returning from tranſportation, and being found at large on the 26th day of May laſt, without any lawful cauſe, before the expiration of the term of ſeven years, for which he was ſentenced to be tranſported, againſt the ſtatute.

The record of the priſoner's conviction read by Mr. Shelton, Clerk of the Arraigns, and examined by Mr. Garrow, priſoner's counſel.

JOHN OWEN *ſworn.*

Examined by Mr. Knowles, counſel for the Proſecution.

I am ſervant to Mr. Akerman, keeper of Newgate.

Do you remember ſeeing the priſoner at the bar?—— Yes, in January ſeſſions, 1784.

Do you know what he was tried for?—For

For ſtealing a bill, value one hundred pounds, the property of Samuel Edwards.

What was the verdict?—It was left ſpecial, till the July ſeſſions following.

Did you ſee him again in July Seſſions?—I brought him up from Newgate to receive ſentence.

Do you know whether he did receive ſentence?——He received ſentence to be tranſported to America for ſeven years.

In your hearing?——I was preſent, and brought him up.

Mr. Garrow. Owen, when was he diſcharged out of your cuſtody?——I believe the beginning of this year.

In conſequence of his Majeſty's pardon, upon condition that he would tranſport himſelf within fourteen days?—Yes.

In conſequence of Mr. Recorder's warrant to the gaoler of Newgate?—Yes.

CHARLES JEALOUS *ſworn.*

I apprehended the priſoner the 26th of laſt May, at Iſlington, he was at large: Mr. Clarke and me were going by the Angel, at Iſlington, and he ſaw us, and ran away among the ſheep pens, and we took him, he was in the front room next the road in the widow, he was ſtopped and taken.

(The warrant read on condition of tranſporting himſelf in fourteen days.)

Mr. Garrow to Owen. Can you fix the time when the man was diſcharged?—No, I cannot fix it to a certain day, it was in the beginning of this year.

Mr. Garrow, My Lord, if you look to the King's pardon, it is fourteen days from the day in which he ſhall be diſcharged out of cuſtody; there were a number of civil detainers againſt him, and he had of courſe taken no pains to ſuperſede them till he got the King's pardon: I mean to ſubmit to the Court, that it is incumbent on the proſecutor to ſhew the preciſe day of his diſcharge out of cuſtody, I contend that that caſe may well be preſumed in favour of the priſoner to have happened, which in point of fact has happened in the preſent inſtance, and that the onus probandi is on them; ſuppoſing a man to be detained on civil actions till the whole fourteen days were elapſed, the purpoſe of the King's gracious pardon would be defeated, and the keeper would ſay you have broke the King's pardon, and according to the argument of to day (ſtrange as that argument is) you have committed a capital felony by remaining here.

JOHN NEWMAN *ſworn.*

I am clerk of the papers, this is my writing, I copied it from the Sheriff's warrant.

Mr. Garrow. Have you the warrants there?——No, I have them at home, here is an entry of the day on which he was diſcharged, I know nothing of it of my own knowledge; Pitt diſcharges.

What is that book?——This is a daily book that I keep of thoſe that go in, and come out, this is a book for the entry of debtors, he diſcharged his debt the 25th of February, and it appears here, he was diſcharged in the month of March.

Is that book kept ſolely for entering the diſcharges?—Diſcharges and commitments of debtors, as well as criminals of the maſter's ſide, and he appears to be of the maſter's ſide.

Mr. Garrow. You know nothing perſonally of your own knowledge concerning the diſcharge of this man, but what you heard from the turnkey?—No.

So that if the turnkey neglected his duty, or impoſed upon you there might be a falſe date on your book; for if there is no day marked, you conclude it is that day, but if it is the day after you copy that which is ſo marked on the warrant?—Yes.

Who writes that on the warrant?—The turnkey.

What do you do with the warrants?—I file them, and keep them regularly.

Court (looking at the warrant.) Here is nothing written on this warrant, how came he to be detained till the 9th of March.

Mr. Garrow. I know Mr. Akerman excuſed him his fees as he very often does; for the man had not a farthing in the world.

Mr. Garrow. My Lords, I muſt beg

leave to trouble your Lordſhips, I think the objections to this proof, from all the queſtions that have been addreſſed to Mr. Newman, he has freely confeſſed he does not know; that is not the original entry, it is the firſt book on the ſubject, but not the original minutes; they have evidence perfectly good in its nature, but Mr. Newman, knows nothing perſonally on the ſubject; ſays he, it is the duty of the turnkey to apprize me of it as ſoon as he can; but if a riot ſhould happen in the gaol, if the turnkey ſhould fall aſleep, or anything elſe ſhould prevent him, poſſibly (which is enough for my argument) he may not apprize him of it at the time, and to cover ſuch neglect may impoſe upon him a wrong day: my Lords, I may aſk what hinders them from producing that turnkey, what hinders them from producing the memorandum of the turnkey, that would be the beſt evidence, but this is the ſecond beſt, this is but a copy of that memorandum. Now, ſuppoſe, my Lords, the caſe of a brewer, who wants to prove a delivery of a certain number of caſks, and his ſervant who delivered them is dead: we know that there are authorities which ſay, that the entry in the hand writing of that ſervant will be evidence of the delivery: but was it ever contended that the ledger of the brewer copied from the day book, will be evidence? no ſuch thing. I ſubmit this is not the beſt evidence, and therefore ought not to be received.

Mr. Juſtice Gould. I own, for my part, I am inclined to think this is evidence to be received; it is not like a book of a private tradeſmen, it is not like a ledger, but it is a long eſtabliſhed practice, people put a confidence in public officers, and their evidence is to be received with due caution. I think prima facie there is evidence that this man was ſet at liberty on the 9th of March, then he is not taken till the 26th of May, therefore that is more than fourteen days after the diſcharge.

Mr. Baron Hotham. I am inclined very much to concur with my learned brother Gould, for it does not ſeem that Mr. Newman has any intereſt in this book whatever, he is the officer who records this tranſactions, without doubt any party may falſify the book if they can, this being ſuch a kind of book in which he has no intereſt whatever, but faithfully recording the tranſactions, unleſs it is impeached ſome way or other it ought to be received.

Mr. Garrow. The evidence on the part of the proſecution being cloſed, I muſt now, my Lords, take the liberty of troubling the Court with ſome objections in point of law on this caſe. The offence charged againſt the priſoner at the bar, is that he having been convicted of a felony, for which he was liable to be tranſported for ſeven years, did receive ſuch ſentence, and was afterwards found at large in this kingdom, before the expiration of that term, *without any lawful cauſe.* Your Lordſhip have it in evidence, that he was diſcharged in conſequence of his Majeſty's pardon, granted on condition of tranſporting himſelf, and by virtue of a warrant under the hand and ſeal of the Recorder of London. By the common law of this country, every man is entitled to the full and uninterrupted enjoyment of his perſonal freedom, and he can only forfeit his liberty by the commiſſion of ſome crime, therefore one is obliged to reſort to the ſtatute law, to ſee what that crime is; and I cannot find any one ſtatute that makes this man guilty: the indictment has not charged that the ſentence of the Court, which was originally paſſed upon him, had been altered by his Majeſty's pardon, and I underſtand that the reaſon was, that it is to be argued that the condition of that pardon not being complied with, it is to be taken like the condition of a grant, as if no pardon had been granted at all: now, my Lords, to a certain extent, I am perfectly ready to admit that argument, if it be only contended that Mr. Aikles has forfeited his claim to his Majeſty's mercy, and therefore ought to be remanded to his former ſentence: But if it is to be contended, that he has committed a felony, then I am to find ſome ſtatute law in this country, in which that offence

offence is described. By the act of the 16th of George II. chap. 15, it is made a felony for any person ordered to be transported, or who had agreed to transport himself to America, to be found at large in this kingdom without any lawful cause. Mr. Aikles has not agreed to transport himself to America, and therefore he is not indicted on that act of parliament; but I submit that by a subsequent act of parliament, all that is done away by the act of parliament of the 19th of Geo. III. c. 74. The words of the 16th of Geo. II. are these, "that if any felon ordered, or hereafter to "be ordered to be transported, or who had "agreed to transport himself to any of his "Majesty's Colonies and Plantations in "America, be found at large in this king-"dom, without any lawful cause, he shall "suffer death." Now I say, my Lords, that Mr. Aikles is not in the list of cases described in that act of parliament; he has not agreed to transport himself to any of his Majesty's colonies and plantations in America, therefore he has not been indicted under that clause, as he could have been, and the pardon set out: Your Lordships see the condition of this pardon, is generally to depart the realm, not to transport himself specifically to any of his Majesty's colonies and plantations in America; then comes the act of the 8th of Geo. III. which I mention, only because it is one of the acts that is found in the code of transportation laws; it relates only to persons recommended by the Judge of assize to his Majesty's mercy, and who by that mercy are ordered to be transported to America. Your Lordships know, that you no longer have the power to transport to America, or at least you no longer exercise it: Then I say that the legislature, by the act of the 19th of the present King, c. 74, has made an entire new code of transportation laws, in which the case of Mr. Aikles is entirely omitted: and when I say that, my Lords, it becomes me to state what I take to be his case; I take it he is not now an offender, under sentence of transportation to America; but in a case analogous to those mentioned in the statute of the late King, who had agreed to transport themselves; with this difference, that act extended to America; his case is an agreement to transport himself generally, and not to those colonies and plantations: The act says, persons convicted of crimes, punishable by transportation to America, may be ordered to be transported to any parts beyond the seas; then comes the other clause, "or if his "Majesty, his heirs, or successors, shall "extend his royal mercy to any felon, "upon condition of transportation beyond "the seas," then all the laws relative to transportation were to take effect; but your Lordships see, that those who penned this act of parliament, have confined it to such as are attainted, or convicted of crimes *without benefit of clergy*, whereas Mr. Aikles's case was not an offence for which he was excluded *the benefit of clergy*. My Lords, I come next to enquire whether he stands on his old sentence, and whether the King's pardon having been granted to him upon a condition, and that condition not being complied with, he has committed a felony? I contend he has not, as he is at large within the realm, *with a lawful excuse*; that lawful excuse is Mr. Recorder's warrant, and that warrant granted on his Majesty's pardon: if I shew your Lordships that at any one moment he was at liberty, with lawful cause, I should wish to know when that ceased? In the present case, your Lordships cannot extend the law beyond the letter of it, under the several statutes under which your authority arises; then I say there is no statute law which says, that if the condition of his Majesty's pardon is broken, that the person breaking it shall be guilty of a felony; and I am entitled to presume that the legislature in the act of the 19th of the present King, meant purposely to exclude such cases as the present, and thought it enough to tell a man in the situation of Mr. Aikles, you have trifled with the King's pardon, and shall therefore return to that situation in which that pardon found you; but, that they thought it a great deal too much to

I ſay to him, you ſhall be therefore guilty of a felony: I aſk again, where is the ſtatute law, that makes the not complying with that pardon a felony? and I aſk, why was not the condition of the King's pardon ſtated in the indictment? My Lords, there is a caſe which appears to me to be previouſly in point, the caſe of Maxamillian Miller, referred to the conſideration of all the Judges; it was in the year 1770, from this place; he was indicted for being found at large, after having accepted the King's pardon, on condition of being tranſported; but when he came to be tried, a doubt occurred to the Judges who preſided at that time on his caſe, and the Judges have never, I believe, communicated any judicial determination of that caſe, but they did that which was tantamount to it, for they remitted him to his former ſentence: I know that in that day, very abſurdly as it ſeems, the condition of the King's pardon was, that he ſhould give ſecurity, to the ſatisfaction of the Recorder, to depart the country within a limited time: I know that the form of the King's pardon has been altered by the preſent learned Recorder; the condition now is not, that he ſhould give ſecurity to depart, but that he ſhould depart the kingdom, and not return or be found at large, without ſufficient cauſe: but it goes on to ſay, that the King, who by law had a right to ſay he ſhall be releaſed from all his offences; that competent authority has ſaid, that upon giving ſufficient ſecurity he ſhall be diſcharged: now it is in evidence, that he gave ſuch ſecurity, that he was releaſed out of cuſtody, then he was once at large, *with a legal excuſe*. In Miller's caſe, the condition of giving ſecurity to the Recorder, preceded his departure from the kingdom, and the court held that he could not be convicted of a felony, he having the King's pardon to diſcharge him, on doing a certain thing. My Lords, it does not occur to me, that I can ſtate the argument more clearly than I have done; and to ſum up my objection, it is this, that if the offence is that he has not performed the condition of the King's pardon, then there is no ſtatute law exiſting which calls it an offence, but there is a late act of parliament, in which that offence is not revived; and I contend that, though it may vacate a pardon, yet, as of courſe it cannot be an offence at common law, and there is no ſtatute deſcribing the offence, your Lordſhips, upon the authority of Maximilian Miller's caſe, will direct the Jury to acquit the priſoner.

Mr. Knowles. I have to lament my Lords, that in a caſe of ſo much conſequence to publick juſtice, the ſupport of it ſhould be left to my feeble abilities, in the abſence of a gentleman much more verſed in the criminal law of this country than myſelf, from him I have received this brief, without any idea of an anſwer being neceſſary to ſuch an objection as the preſent, however, I will endeavour to ſuggeſt to the Court what ariſes to me, caught up in a moment upon what has dropped from my learned friend: I take it, my Lords, that there are two clauſes in the act of parliament which attack ſtrongly on this priſoner, the firſt is, that if any perſon ſhall be at large within the time for which he is ordered to be tranſported, that he by that act becomes a capital offender; there is another clauſe of it, which ſays, that likewiſe the perſon who is ſentenced to be tranſported, and ſhall agree to tranſport himſelf, and return into the kingdom within a limited time, ſhall be a capital offender: I take the offence certainly to be within the firſt of theſe clauſes, becauſe he has had ſentence of tranſportation paſſed upon him by a Court competent to pronounce that ſentence; this defence is ſet up, his Majeſty has been pleaſed to grant him a pardon, which pardon is ſaid to give him lawful cauſe for being found at large: this pardon was, as former pardons were on condition (only) that this perſon ſhould give ſecurity to the Recorder of London to depart the nation; I hold his having given that ſecurity is all that can be required of him, and though the ſecurity is forfeited of courſe, yet, he is at large with lawful cauſe, and there would be no poſſi-

ſibility of his being indicted for a capital offence; but the pardon now granted to him, is upon condition "that he the priſoner depart this kingdom *within fourteen days*." the words are "*And our will and pleaſure further is* (which certainly is a diſtinct proposition from what has gone before) that upon giving due ſecurity to the Record to ſo to do, he then ſhould be diſcharged out of cuſtody—If he be found at large *within the fourteen days* after his diſcharge, he then is at large with lawful cauſe. But though he gives this ſecurity, that does not take away the precedent condition of that pardon, for it is perfectly ſeparate, and diſtinct from it: it is contended this act of parliament is repealed by the 19th of Geo. III, the reaſon of paſſing that act was that in conſequence of the unhappy rebellion which took place in our colonies in America; they could not ſend the felons there; then another act of parliament was neceſſary as to the tranſportation of thoſe offenders, and it ſays, not that they *ſhall* be hereafter tranſported to any other place, but that it *may* be lawful to his Majeſty in ſuch caſes, to tranſport them elſewhere if his Majeſty ſo pleaſes; I hold that the two acts run together, and the one only extends the powers of the other, but does not repeal it in any ſhape whatever: now when a pardon is granted on certain conditions, and they are broken, that pardon is as if it never had had exiſtence; the priſoner has a pardon granted him, and ſhall either accept it to comply with the conditions of it, or refuſe it, and remain under his former ſentence: he knows the conditions, and his ability or inability to perform them, and if after having accepted it, he finds himſelf unable to perform them, he might have ſurrendered to any Magiſtrate, he might have been in legal cuſtody. If this pardon never did take place, being upon condition which had not been performed, it certainly can be of no avail to the priſoner; as to Miller's caſe, I never ſaw it, I think it muſt turn upon the different mode of wording the pardon from that now adopted.

Mr. Juſtice Gould. I think it is neceſſary to make a final deciſion in this point; we perfectly well know that by the common law, the King may grant his pardon upon condition; Lord Coke ſays in the firſt inſtitute 274b, if a villain is manumitted, every condition on that manumiſſion is utterly void; but, ſays Lord Coke, the King may grant his pardon on condition: the ſenſe and meaning of that muſt neceſſarily be, that if the King's condition of the pardon is broken, it makes it a nullity: as for the argument upon theſe acts of parliament it was extremely well enforced by Mr. Garrow, that it is not in the power of the Judges to make a felony if the law has not made one: therefore now according to the old law, where felonies were capital, where the benefit of clergy did not interpoſe to ſave them; if the party had undertaken to depart the realm with all poſſible ſpeed, if he did not uſe all due diligence to depart, I know perfectly well, as in Stamper's caſe, he was remitted to his former ſentence, he was to be executed, ſuppoſing the ſentence was capital, according to that former ſentence, and the reaſon they gave for it was, that there could not be two attainders for one crime; ſo ſtood the antient law: then when this ſyſtem of tranſportation took effect, the act of parliament made the returning before the term a felony, and then the ſubſequent act of parliament that Mr. Garrow has mentioned, putting it more at large, and to facilitate the conviction, ſaying, that if he ſhall be found at large within the realm, before that term of tranſportation expired, it ſhall be a new felony; that put it upon a different plan, from the common law, therefore, ſuppoſe the party came into a new deſcription of the act of parliament, you are under the neceſſity of indicting him for a new made felonony: this man is convicted of a clergyable felony, and receives ſentence of tranſportation, his Majeſty is graciouſly pleaſed to interpoſe on his part, and to pardon the crime; theſe are the terms of the King's pardon, upon condition that he ſhould depart

part the realm within fourteen days after he should be discharged; but it is proved, and does appear to us in evidence, that he was discharged according to the true spirit and meaning of his Majesty's gracious act, and that he did not comply with that condition, but was taken at large after the expiration of fourteen days: it is very true, that this act of the nineteenth of his present Majesty seems to have perplexed the matter a little, because it takes up felonies not excluded from the benefit of clergy where the sentence is transportation pronounced by the court; and then it says nothing at all upon the King's pardon on condition of transporting themselves, but only makes provision with respect to those capitally convicted; but this act has not repealed the former statutes, so far from it, that it provides in the clause that I would have been glad to have referred to, that all the clauses in the fourth of George the Second, and in the sixteenth of George the Second particularly should be applied, and put in force with respect to all persons that were sentenced to be transported under this act of parliament, or something of that kind: now, what was the sense and meaning of that act of parliament? By that act of parliament courts of justice were restrained, and obliged to order their transports to America; nay, and it has been determined to my knowledge by all the Judges upon a question arising on the fishing act, referred by Mr. Justice Bathurst, that when the act says a man shall be transported for seven years without saying where, it should be to America; that was the opinion of all the Judges, I remember that case well. In the sixteenth of George the Second this man's case is; he was sentenced to be transported to America, and, as Mr. Garrow states faithfully, no doubt, that act of parliament speaks of the condition that he should transport himself to America: the King does not model his pardon in that way, but he says he should depart the realm, but the party does not do this; the consequence is, that not having complied with the terms of that pardon, as it strikes me at present (I do not give my final opinion upon it) that he was then at large within that statute of the 16th of Geo. II. he then, the instant the fourteenth day expired, was at large without any lawful authority: with respect to the objection, that this is not stated in the indictment, I shall not give any final opinion upon that neither, but the indictment is perfectly regular, and in due form, and it states it, and it is incumbent on the prisoner to shew on the one hand the lawful cause why he was at large; he has entirely broke his Majesty's pardon, and the pardon is at an end. These are my present sentiments; if there is any doubt with my brother Hotham, or the Recorder, I will reserve the case for the opinion of the twelve Judges.

Mr. Baron Hotham. In this case the argument, as Mr. Garrow put it, was unquestionably strong, and the prisoner cannot fall within that part of the clause of the sixteenth of the late King, because he has not agreed to transport himself to America, and he cannot fall within the act of the nineteenth of the present King, because that respects pardon granted to people who had been capitally convicted; but the doubtful part of the case is, whether the pardon is not absolutely and entirely done away, and the case now to be considered as if no pardon had been granted; if it be, then, see how it stands on these two acts of parliament: if the King's pardon is actually done away, may it not be extremely questionable, whether this man having been sentenced to be transported beyond the the seas, by the operation of the act of the present King, is not now subject to the pains and penalties of that act; I think it is so doubtful, that without giving an opinion, I think fit to join with my brother Gould, in reserving it for the consideration of the Judges.

The remainder of this Trial in the next Part, which will be published in a few days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON

TAKEN IN SHORT-HAND BY

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THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Henry Aikles.

Mr. Recorder. I muſt confeſs, notwithſtanding the diffidence with which I wiſh to expreſs myſelf in the preſence of the two learned Judges on ſuch a ſubject, that it does appear to me, that this caſe requires a ſolemn determination, more from importance than the difficulty of it; it ſeems very clear it does not come within either the clauſe of the 16th of Geo. II. which reſpects perſons who have agreed to tranſport themſelves; nor within that clauſe of the 19th of the preſent King, which relates to pardons granted by the King: Mr. Aikles has not agreed to tranſport himſelf to America, and the clauſe not being repeated, I think we cannot extend it: it does not come, I think, within that clauſe; and it does not come within the clauſe of the 19th of the preſent King, becauſe it is not a pardon for a capital offence, and capital offences are ſpoken of by that ſtatute: it ſeems to me at preſent that the indictment is perfectly ſupported under the clauſe of the 16th of Geo. II. which make it a capital felony to be found at large, within the term for which a perſon has been ſentenced to be tranſported to America. The priſoner was ſo ſentenced, that ſentence has been proved, and that the priſoner was at large, after the time of that ſentence, and before the expiration of the term; ſo far therefore upon that evidence there is the ſimple caſe made out under the ſtatute, but it appears alſo that he was at large under a warrant from the Recorder, founded upon a conditional pardon granted by his Majeſty, and it is contended that having been once at large, by lawful cauſe, he cannot be guilty of felony in being at large, under a ſentence of tranſportation, and that if he has broken the condition of his Majeſty's pardon, by means of which he became at large, the utmoſt conſequence muſt be that it ſhall not be in force. From the reaſons which Mr. Juſtice Gould has laid down, I am perfectly ſatisfied, and I always did think the pardon being broke, becomes totally void: it is not ſo only from the common law, but it is laid down in more modern books, and ſuch care is taken that pardons ſhould not be abuſed, that it has been held that upon an allegation that the King was deceived in the circumſtances on which he granted that pardon, the pardon ſhould be void: and it has been held neceſſary, that they ſhould recite the crime fo

for which the pardon was granted; upon every authority and principle it ſeems to be eſtabliſhed, that where the condition of the King's pardon is broken, it becomes a nullity. In the caſe of Patrick Madan, which happened in all our remembrance, the Court acted upon that principle, though there was no adjudication of it; he had been capitally convicted, and was pardoned on condition of tranſportation; he was afterwards found at large; he was not indicted for a new felony, in being ſo found at large, but he was brought up, and the court being ſatisfied from his own admiſſion, that he was the ſame perſon, he was called upon to aſſign a lawful excuſe for being ſo at large, and the Court remanded him to priſon under his former ſentence, on this principle, that the condition of the King's pardon being broken, the pardon was gone, and the party remained preciſely in the ſame ſituation that he was the day before the pardon was granted. Now, what was Mr. Aikles's ſituation before his Majeſty's pardon iſſued? We find him then in the ſituation of a felon under ſentence of tranſportation; the pardon being gone he remained, and remains ſtill under that ſentence; he therefore was in a ſituation in which, if he was found at large, he committed a felony; he had no lawful cauſe under the King's warrant for being at large beyond the term of fourteen days, therefore on the 20th of May he remained in the ſituation of a man under ſentence of tranſportation, and without any lawful cauſe, for the lawful cauſe does not extend beyond the fourteen days, and therefore on the 26th of May he was at large in the kingdom, without any lawful cauſe; the pardon therefore being void, it ſeems to me that the indictment itſelf is good, and is fully ſupported by evidence: and the inclination of my opinion at preſent goes one ſtep further, that if the indictment had ſtated the pardon, and that he had broken the condition of the King's pardon, and that therefore he would have been guilty of a felony, it would have been bad; for it is not a felony to break the King's pardon, except in the two caſes, in the 16th and 19th of the preſent King; the 16th of Geo. makes it felony, firſt, in perſons who are ſentenced to be tranſported to return; next in perſons that have agreed to tranſport themſelves to return; in the firſt caſe, it is a diſtinct felony being at large under the ſentence of tranſportation; in the next caſe, where the perſons have agreed to tranſport themſelves: in the 19th of the preſent King, it alſo makes it a felony for capital convicts to be at large after they have been ordered or received pardon, on condition of being tranſported, becauſe they then become under a new ſentence, the ſentence of death is done away, and they would not have been guilty of a capital offence without that clauſe; therefore it was neceſſary to put them in the ſame ſituation, in the caſe of a capital felon who agrees to tranſport himſelf; and it was not neceſſary for the 19th of Geo. III. to take up that, in the caſe of a capital felony, becauſe it was needleſs to make that a new felony, where the party was liable under his former ſentence; therefore the legiſlature in the 19th of the preſent King, ſeems to have omitted both thoſe caſes, upon this very principle; I think therefore that the indictment is ſupported. I have ſeen a correct ſtate of Maximilian Miller's caſe; there it was on condition of giving ſecurity to depart the kingdom, and the Judges never made any ſolemn adjudication, but in point of fact the priſoner was remanded to his former ſentence.

Mr. Garrow to Jealous. When you took the priſoner, what money had he?—Nine ſhillings, and one out of them bad.

I believe he was in a miſerable ſtate of indigence?——He looked a deal better than he does now; he was in blue, but he looked a deal more decent.

Do you know what the ſtate of his health was?——I believe he was not very well.

BENJAMIN APPLEYARD *ſworn.*

I am a ſtationer, I have ſeen the priſoner before.

In what ſtate was his health after he was diſcharged from Newgate?——He came to my houſe to aſk me to apply to Mr. Dunkennan

Kennan who lodges with me to aſſiſt him with a little money to carry him out of England, as he was very much diſtreſſed.

In what ſtate was his health then?—He had a thick ſtick in his hand, and he reſted himſelf much upon it; and he aſk'd me to let him ſit down in the ſhop a little; he ſeemed very lame, and he ſaid he was bad in health, and the irons, while he was in Newgate, had hurt his legs, he did not know how to walk; this was the day after he was diſcharged out of Newgate; he ſeemed to be very much diſtreſſed, and in very bad health.

Do you believe that theſe cauſes prevented him from going abroad?——I believe they did, for he wrote a letter to me, and ſent by his wife, praying for a trifle, ever ſo ſmall, ſaying that his time was almoſt out, and that if he had not a trifle to get him to the water-ſide, he muſt fall under the law.

He did not get any large aſſiſtance?—He got nothing at all.

THOMAS BREADALL *ſworn.*

I ſaw Mr. Aikles after he was diſcharged out of Newgate, his health was very indifferent, he had ſymptoms of a fever, and his legs were ſwelled, and very bad; and a week after he came out of Newgate, he fell very ill, and was confined to his bed, he had an ugly malignant fever.

Did he appear to you to be very indigent?——Very much ſo, and his wife and a gentlewoman, Mrs. Brookes, came to me, and undertook to pay me; he was not in a ſituation to pay me at that time.

Do you believe that the miſerable ſtate of his health, and his want of money, prevented his getting abroad?——I really believe it did.

Mr. Garrow. Mrs. Brooks is not here?

Priſoner. Mrs. Brooks was taken very ill on Saturday, ſhe was here till Saturday, and all laſt ſeſſions; Mr. Holloway can teſtify the truth of it.

Court to Jury. All laws muſt be conſidered with liberality, and a ſort of equity, in order to put a due conſtruction on the meaning of them; and I confeſs, gentlemen, if you are ſatisfied, that thro' ill health, and this diſtreſs that you have heard that the priſoner was in, he was prevented from performing the conditions that the pardon required, that it would be too ſtrong to impute to him, that he was feloniouſly at large in defiance of this pardon; the act ſays, *lawful excuſe*; certainly illneſs, and ſickneſs, the viſitation of God will operate as a lawful excuſe, and if you ſhould be ſatisfied that there was no fiction in this caſe, but that in reality and truth this was what prevented the man from going abroad, and that he meant and intended to go abroad; I own, in that caſe I think you ſhould acquit the priſoner; on the other hand, if you think this is an artifice, not founded in reality, then you will find him guilty.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice GOULD.

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902. GEORGE THORPE was indicted for feloniouſly returning from tranſportation, and being found at large on the 9th day of Auguſt laſt, without any lawful cauſe.

CHARLES JEALOUS *ſworn.*

I apprehended the priſoner the 9th day of Auguſt, in the morning, about ſeven; I took him out of bed, upon an information of his being at large.

JOHN OWEN *ſworn.*

In January ſeſſions, 1785, upon the proſecution of Mr. Hobert the priſoner was convicted of ſtealing a ſide of bacon, in Fleet-market, he was ſentenced to be tranſported.

The priſoner delivered in a written defence, which was read by the Clerk of the Arraigns; the purport of which was, that though he was at large, yet it was not without a lawful cauſe, for he was diſcharged

charged from Newgate by virtue of his Majesty's pardon, and he endeavoured to obtain a passage out of the kingdom; but through poverty was not able to effect it, and therefore was at large without his own inclination and consent, and had committed no new offence, but had conducted himself industriously.

The warrant read; signed James Adair, Esq; Recorder, dated 9th April, which was a warrant for his discharge, upon his giving security to depart the kingdom. *The pardon read*; signed G. R. countersigned Sydney, dated 25th March.

For the PRISONER.

JOHN THORPE *sworn.*

I am a plumber and glazier; I am brother to the prisoner, he went from Newgate to my house, I believe it was in the month of April. I came into this court, and paid his fees, and took him with me.

Mr. Keys, prisoner's counsel. How long did he remain at your house at that time?—Only that night; he went immediately with his mother to her house at Hamondsworth, near Langford, I was down there, and saw him there; he remained there in a place, he was at work till he came to London to my house; I made frequent applications while he was with his mother for a ship to get him to sea.

He had no money at all of his own I believe?———None at all.

Would his father-in-law assist him at all?—Not at all; I offered to pay five pounds towards the passage, his father-in-law would not give him any; it was five or six weeks after before I heard of the ship going to America; ten guineas was the least sum I could get him to go for; I know he was employed, but I never saw him at work; I have seen his father-in-law at work, he was to have gone from his mother to Portsmouth, he was wholly unable to have gone for want of money; it was his desire to have gone; he was kept a close prisoner; he was at his mother's, and was very ill; he had a rash, and the irons made his leg bad; he got employed in emptying a mill-pond; his father-in-law said he would give ten pounds to have him apprehended.

Court. Has your mother any property, or your father-in-law?———Yes, I believe they have upwards of one hundred pounds a year.

What sort of property is it?—Leasehold houses.

CHARLES COOKE *sworn.*

I am a day labouring man, I know the prisoner, he worked with me by Salt-hill in dragging of mud from a mill-pond, he worked seven weeks with me, I believe he first came out about April or May.

Can you recollect the day he quitted work?———No.

Mr. Knyr. I believe he had no money at this time?———None, but what he gained from his daily labour; there was a man after him to take him, that was the cause of his leaving it; he behaved exceedingly well, and would have wished to have staid if he could.

WILLIAM MORRIS *sworn.*

I am a painter in Clerkenwell; I was employed by Mr. Thorne's directions to look for a ship for the prisoner; I went several times to the Carolina Coffee-house; I first heard of a ship in about a fortnight; we could not get a ship for less than ten guineas, and they would not take him unless the whole money was paid down; the lad was very desirous of going abroad in any way; I applied to a gentleman to recommend him on board to work his passage.

Court to Jury. Gentlemen, if I were now obliged to decide the law upon this case, I should find it my duty to tell you, that I think the prisoner's defence well warranted, and that in point of law he ought to be acquitted of this offence imputed to him by the indictment, because the condition of the pardon being, that he should give a security to the satisfaction of the Recorder, and having done so, I think that by that he has literally fulfilled the condition of his Majesty's pardon, and that the consequence of his not departing the kingdom, pursuant

to the King's intention, is the forfeiture of that recognizance in himself, and in his bail: but there has been a former case exactly similar, in which from what fell from the Court, though there was no solemn opinion given, yet the Court then appeared to have an opinion different to mine; if therefore the case turns out to rest entirely on this point, the safest way will be for you not to rely on my opinion, but to find the prisoner guilty of the fact, with assurance that he will have the benefit of the law: the prisoner says, that he not only was discharged by lawful warrant, and by that means had, as he thought, literally fulfilled the condition of his pardon, but, says he, I did all I could literally and substantially to follow his Majesty's intention; I did all that lay in my power to quit the kingdom; now it is my duty to state to you my opinion in point of law on the nature of that defence: intention is necessary in all cases to constitute criminality, and that is a maxim of criminal law I hope will never be forgotten either by Judges or Juries; but a culpable neglect is a breach of the law certainly: there is another maxim of the law, which is, that the law does not expect or command things impossible, it would be perfectly absurd if it did; now, see how far these two maxims apply, which are clear and undoubted law, the first, that intention is necessary to make a man guilty of any criminal act, the next, that the law does not require impossibilities: first, the prisoner says, it was not with his own will that he was at large at all; next he contends, that it was not in his power to quit the kingdom, and that therefore the law could not require him to do what is impossible; now, although the prisoner has made out an extremely favourable defence, yet, I have doubts how far it does or does not amount to a strict legal justification; for although the law will not impute crime without intention, and he must be wilfully at large without probable cause, yet, a palpable neglect is within the intent and meaning of the law, and the question is, whether you think the prisoner did every thing in his power to complete the condition of his pardon, and could not have done more? he appears really to have endeavoured to obtain a passage to America, and actually offered to work his passage over, which seemed to be all he could do in that respect; he states that is the only place where he could get a livelihood, therefore he did not try to obtain a passage at any other place; he might, without difficulty, have got leave to have gone to some of the near parts on the coast of France or Holland, but then he would be a stranger in a foreign land: you are to judge whether the difficulty he found in departing from the kingdom, in the manner I have stated to you, amounted to all due diligence; it is my duty to tell you, if you are satisfied that he was not wilfully and intentionally at large, you ought to acquit him: you are to consider whether he was wilfully and intentionally at large, and whether there was that sort of impossibility to excuse him in point of fact; if you believe that he was not wilfully at large, but did all that in him lay to obtain a passage out of this kingdom, in that case I think that in law as well as in justice you will do right to find him generally not guilty of this indictment; if on the other hand you think that though it may be a favourable case, so as to set the prisoner in a situation deserving of future mercy from his sovereign, yet, that he might possibly have done something more than he did to facilitate his departure from this kingdom, and to shew his willingness for such departure; in that case it will be resolved into the first point of law, and if you think it comes to that point, you will find him guilty, and that point will be reserved to be hereafter determined by the Judges.

NOT GUILTY.

Court to Prisoner. The case that you have made out in evidence before the Court is so favourable, that I think there would be a hardship in detaining you in prison against my own opinion, especially when the learned assistance that I have now the advantage of, both the learned Judges and my friend Mr. Rose, are of my opinion, and

and as there is no judicial authority to detain you in prison; but I would recommend it to you to take an opportunity of leaving this country, and I think I can recommend to you a way of carrying that into execution, you have entered into a recognizance in one hundred pounds and two other persons in fifty pounds each, to perform that condition, you and they have most clearly forfeited that recognizance, and therefore the only means your securities have left to avoid the payment of those sums, which I will take care they shall otherwise pay, will be to supply you with money for the purpose of your getting out of the kingdom; therefore, you will apply to the two persons who are your bail, and inform them that unless they supply you with money for that purpose, I will take care that they shall be served with process. Let the prisoner be discharged out of custody.

Tried by the second Middlesex Jury before Mr. RECORDER.

MISDEMEANORS.

905. JUDITH BARRUCH wife of Uzziel Barruch was indicted for feloniously receiving, on the 6th day of March last, divers articles of plate and goods, the property of Robert Snow, Esq; well knowing the same to have been stolen.

John Waddington and Jacob Aarons called on their recognizance, and not appearing there was no evidence, and the prisoner was

ACQUITTED.

Tried by the second London Jury before Mr. RECORDER.

On the Eleventh Day of this Session, at the Adjournment at Guildhall, the following Third London Jury were sworn.

John Hoppe
Job Orton
James Carden
Matthew East
Thomas Duncombe
John Wallis
Adam Alsop
John Willoughby
James Atkinson
Robert Keene
John Newton
Robert Sugden.

906. JOHN BROOKLEBANK was indicted for obtaining the sum of 10s. 6d. by a false certificate, that George Wilson, preferable waterman, was on duty, with intent to defraud the King.

A second count, with intent to defraud John Frank.

NOT GUILTY.

Tried by the third London Jury before Mr. RECORDER.

907. MARY

907. MARY GRAHAM was indicted for wilful and corrupt perjury at the laſt ſeſſions at the Old Bailey, on the trial of William Goſling.

The record of the conviction of William Goſling read.

FRANCIS ROWLEY *ſworn.*

I know the priſoner, ſhe appeared as a witneſs on the trial of William Goſling, I was preſent when ſhe was ſworn.

Did you ſee her ſworn?—I did.

Are you able to ſtate with certainty what evidence ſhe gave?—No, I cannot.

EDMUND HODGSON *ſworn.*

Court. Do you know the perſon of the priſoner?—No, my Lord, I only know that a perſon of the name of Mary Graham gave the following evidence on the trial of William Goſling, which I took down in ſhort-hand.

The Short-hand writer here read the evidence of Mary Graham, from his original ſhort-hand notes, taken on the trial, as follows, viz.

"MARY GRAHAM *ſworn.*—I live in "Sun Tavern-fields, Shadwell, in Mr. "Biſhop's houſe; on Wedneſday in the "Whitſun-week, the priſoner's mother "and me were together, and the two gen- "tlemen were together, the proſecutor and "Mr. Rowley, it was in Guildhall-yard; "they were diſcourſing together about the "young man, and Mr. Rowley ſaid he "would make forty pounds *on* him, and "his mother ſaid ſhe hoped he would not "make five farthings *on* him; when they "came into the hall, there was a man "named Hart, who told theſe two gentle- "men to ſwear plump againſt him, or elſe "he would not be fully committed; and "there was *another* gentlewoman, named "Mary Newmarſh; and Hart ſaid if ever "a one of us offered to ſwear in his behalf, "he would perjure us all three, and they "would not ſuffer ever a one of us to "ſpeak a word; then Hart told Rowley "and the proſecutor, to ſwear plump "againſt him, or elſe he would not be fully "committed: Mary Newmarſh was alſo "preſent; Mrs. Hart is a conſtable, and "wears brown clothes; his mother ſaid, "gentlemen, do not ſwear my child's life "away wrongfully, and Mr. Rowley ſaid, "I will make forty pounds of him, I only "want the reward."

Court to Rowley. Are you ſure that the perſon now on trial, was the ſame perſon that was ſworn under the name of Mary Graham?——Yes.

You have heard Mr. Hodgſon, the ſhort-hand writer, repeat now, what ſhe ſwore on the trial, is it true that this converſation paſſed at Guildhall, in the hearing of the priſoner, or of any other perſon?—No my Lord.

Did you ever ſay you would make forty pounds of the priſoner?——Never in my life.

Nor to that effect?——No.

Do you know Hart?——Yes.

Did Hart ever tell you, or Mr. Ambler the proſecutor in your preſence, to ſwear plump againſt Goſling, or elſe he would not be fully committed?——No, never any ſuch thing, nor any thing to the ſame purport, nor I did not know Mr. Hart at this time.

Did any perſon tell you then, to ſwear plump againſt Goſling?—No perſon whatever.

Had you any converſation with the priſoner's mother?——No, I never ſpoke to her.

You do not remember her begging you not to ſwear her child's life away?——No, my Lord, I do not remember any ſuch thing.

Did you anſwer her, that you would make forty pounds of him, and that you only wanted the reward?—Never in my life.

JOHN HART *ſworn.*

Had you any converſation with this priſoner, and the mother of William Goſling, that was to be carried before a magiſtrate?——Never, I was in Guildhall-yard when he was brought into the compter; I ſaid to ſome

some of my brother officers, that is the man that ran away with a coach and horses; I knew the prosecutor again, because I had him in custody.

Did you ever tell Rowley and Ambler, to swear plump against him, or else he would not be fully comitted?——Never, I did not know the gentlemen, till they came to find the bill last Friday week.

Did you ever tell any body, to swear plump against him, or any thing to that purpose?——Never, nor any thing to that purpose.

Prisoner. Do not you remember lifting up your hand in our three faces, and saying that if ever a one of us spoke a word for him, he would perjure us all three?——No, never, I saw none but the mother.

BENJAMIN AMBLER *sworn.*

Do you know the last witness John Hart?——I know him now.

Do you remember any converfation between Hart and you?——I remember him, telling the words to the man just behind me, that he has just told you, about the prisoner being the man that stole the coach and horses.

Did Hart ever tell you and Rowley to swear plump against him, or he would not be fully committed?——No, Sir.

Nor anything to that purpose?——Nothing to that purpose.

Did anybody tell you so at that time?——No, Sir, nobody.

PRISONER's DEFENCE.

What I said is certainly true, concerning what them people said, but when Mrs. Gosling found her son was cast to be transported, she has owed me ill-will ever since; and she would not come herself, nor get Mrs. Newmarsh, but she said, I must subpœna her, she said her son was transported on my account; I have nobody belonging to me, but a poor mother, and she is obliged to work for her bread, I have nobody to my character; I get my bread either by the silk business or weaving, I hope you will take it into consideration, I am young with child, and I never was guilty of any such thing before.

GUILTY.

Court to Prisoner. The perjured defences set up on behalf of prisoners, has long been the disgrace of the criminal courts of this country; I have thought it my duty, ever since I have sat in a criminal court of justice, to pay great attention to that circumstance, and to do all that lay in my power to prevent the continuance of so wicked and so dangerous a practice; for the mischief of such perjured defences by no means terminates in an unjust acquittal, if believed; for that, though a failure of justice, and consequently a great mischief, is but a very small one to the mischief that follows from the frequency of this kind of perjuries, because they induce a court and jury to look with a suspicious eye on the defences of prisoners even when true; they require to be more strongly proved than any other kind of defence, in order to gain credit with the jury, so that the innocent may as often be hurt as the guilty: this is therefore the worst of all offences, except that most horrid of all offences, of which it falls very little short, the crime of murder; and no perjury can be more mischievous than that which frequently occurs in the defence of prisoners. I have therefore made it a point, where there appears strong and cogent grounds before the court on the trial of prisoners, to induce them to suspect, or rather to believe, that a witness is perjured, to put the matter into a way of trial, and to pursue to justice and condign punishment the offenders, if on a full and impartial hearing of a second jury they should be found guilty; and it appears to me that no trial can afford the party accused a better chance of justification, because, before a party can be found guilty, there must be the concurrent testimony of two juries; therefore, it would be idle and nugatory in me, and in the court, to direct a prosecution of that sort, and where it was afterwards supported by clear and satisfactory evidence, to pass a slight sentence on the offen-

offenders; for such sentence would be a mockery of justice: however, considering the situation of the prisoner, the court will remember at the same time a degree of mercy with justice, and will not pass so severe a sentence as might be passed on this prisoner, supposing that she might be ignorant in some degree of the full enormity of her guilt; sentence, however, somewhat severe, it is the duty of the Court to pass, and it is the sentence of the Court, that you, Mary Graham, be privately whipped, and imprisoned for two years in Newgate.

Tried by the third London Jury before
Mr. RECORDER.

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908. RICHARD CUSTINS was indicted for obtaining, by false pretences, one pound of sewing silk, value 10s. the property of Henry Winstanley.

NOT GUILTY.

Tried by the third Middlesex Jury before
Mr. RECORDER.

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909. HENRY HARVEY was indicted for wilful and corrupt perjury on the trial of Peter Newberry and William Iverson for a highway robbery, at the Sessions house in the Old Bailey in February Sessions, 1785*.

(The indictment opened by Mr. Garrow.)

Mr. Fielding, of counsel for the defendant. My Lord, I am sure you will not be surprized, in a case of this kind, that I should wish all the witnesses to retire before Mr. Morgan opens.

Court. Let lists of witnesses, except to character, or those that are to prove what passed in Court, be given to each party, and let them all go out of Court; there can hardly be a subject that requires a more serious and solemn investigation for the security of the subject on the one hand, and the safety of the defendant on the other.

Mr. Morgan, of counsel for the Prosecution, then opened the case as follows:

May it please you, Mr. Recorder, and gentlemen of the jury, to favour me in support of this prosecution, you are already informed, this indictment is for perjury, committed on the trial of Peter Newberry and William Iverson upon that trial, which was for a highway robbery, where was not any witness to the fact of the robbery, but the prosecutor himself; there was no other material evidence obtained on the trial but that which was given by Harvey, and that that was material, you will in a few moments, I think, be properly convinced: fear and flight are in general pretty certain signs of guilt; and supposing what the defendant swore on that trial is false, he knew the consequences of his evidence by charging Newberry with having exhibited those two signs of guilt, after saying that he had been to the place, and came back, being asked if he had found either of the prisoners, he answered thus: "No; I "went back to Limehouse-corner between "fifty and sixty yards, where the affair "happened, and went into a public house, "and I looked round the taproom, and "there was the prisoner Peter; but I not "knowing him, he passed me as I was "drinking a glass at the bar, and he went "into the street, and the prosecutor was "leaning over the post at the corner of "the street, facing the public house, and "he called out constable, constable, there "is Peter, there he runs; I ran after him "directly, and he ran through a narrow "passage out of Fore-street into Rope-"makers-field; he kept running on, but "I lost sight of him; then he went into "a little alley, but I took him about ten "yards from his lodgings, where I had "been to search for him; the prosecutor "and the man who called me to his assist-"ance were leaning on the nose of a "pump; the prosecutor was bleeding; I "brought the prisoner Peter to him, and "said, is this the man you want? he said, "this is Peter, and this is the man that

* See No. III, Part I. of this Mayoralty.

" took me by the throat; and I took him " away immediately, and put him in the " cage." After reading the evidence, I need not repeat the observation, " that it " was very material." I shall only observe, that no other evidence respecting Newberry was given but by the prosecutor that any ways affected him. Gentlemen, upon the evidence, I may say of these two men, the prosecutor and the defendant, both the prisoners were convicted: it being afterwards heard by a variety of people, who knew the prisoners, what evidence had been given at the Old Bailey, they insisted upon it that the evidence of both the prosecutor and Harvey in the most material parts were false; an investigation took place, I believe some affidavits were procured, and, if I am not misinstructed, laid before the Recorder, he inquired into the circumstances, and his humanity induced him to procure a respite for these two convicts the day before the day appointed for their execution; the matter afterwards underwent an investigation before the King in Council, and in a fortnight a pardon was issued for the two men. Gentlemen, as this is a prosecution instituted merely for public justice, I shall not make any observations to inflame your passions, or to mislead your judgments, I shall content myself in submitting to you simply, and in as plain a manner as I can, the evidence I mean to produce to you on this occasion. I understand the defendant means to call witnesses, if he does, and I think it necessary and proper, I may trouble you with a few observations on that evidence. Gentlemen, I have no wish on this occasion but that justice should take place; this poor man, Peter Newberry, is a hard working labouring man, that lived by cutting wood, and lodged in the house of one Peter Goodman; Goodman got his living that way; he had been at work all day, and just before the present defendant, and the old soldier, who alledged he had been robbed were in search of Newberry, Newberry had been out, and was returning home, and a person met him, that I shall call as a witness, and told him there were the old soldier and the defendant Harvey, whom they knew to be a kind of constable, pretty active in taking thieves, and they advised him not to go home; his answer was, I have done no harm, I am not afraid of any one, I certainly will go home; the witness went with him to his lodgings, and saw him go in, and when the prisoner entered the lodgings, the old soldier and Harvey were up stairs searching for Newberry; on his coming in, a woman called to him, and told him here is Newberry; Newberry is come in; upon which the old soldier and Harvey came down stairs, and in the lodgings within the house took Newberry into custody. I am instructed, and shall call another witness, who advised the man not to go home, and his answer will be proved by four or five, if not more, witnesses, who were all present at the time of the caption of Newberry, and they will, upon their oaths, tell you, that Newberry had been taken in the lodgings, and consequently had never been guilty of these two great signs of guilt, fear and flight. Gentlemen, if upon the evidence you should be satisfied, that what the defendant has sworn is false; if you should be convinced that what my witnesses say is true, it will then become your duty to convict the defendant of the crime imputed to him; but if you have any doubt, in that case you will acquit him: I shall press it in no manner, I shall make no observations without I find it absolutely necessary.

JAMES BATTISCOMBE *sworn.*

I produce a copy of the record of the conviction of Newberry and Iverson, from the Clerk of the Arraigns.

(Read, and examined by Mr. Fielding.)

Mr. Fielding objected that it was incumbent on the prosecution to state the designation of the persons, and that not being done, it was not sufficiently accurate in the indictment.

The Council for the prosecution contended, that they had not taken upon themselves

to

to ſtate the indictment that was tried at the Old Bailey?

The objection was over ruled by the Court.

EDMUND HODGSON *ſworn.*

Court. Do you remember the priſoner giving this evidence?——No, my Lord, I remember the trial, and I remember the proſecutor being ill, but I do not remember the perſon of the defendant.

Court. Then it is a diſtinct fact, you muſt prove by ſomebody elſe.

PETER GOODMAN *ſworn.*

Do you remember the trial of Newberry and Iverſon, at the Old Bailey?—I was preſent there.

Was you there at the time that Harvey was examined?—No, we were not let in till the ſoldier and Harvey were examined, then we were called.

JOHN OWEN *ſworn.*

I am one of the keepers of Newgate.

Was you preſent at the trial of Iverſon and Newberry?——I was.

Do you remember Harvey's being examined as a witneſs?—I do.

Was that the perſon that was examined? The ſame.

Do you remember his being ſworn?——I ſaw him ſworn in Court.

Mr. Fielding. Do you take upon yourſelf to ſay that you remember that particular man being ſworn upon this trial?—I do, I knew Mr. Harvey before.

Court to Hodgſon. Read the whole of the evidence of Harvey from your notes.

The Short-hand writer then read the whole of the evidence of Harvey as in the Seſſions Paper, No. III. Part I. folio 342.

Court. Are theſe the original notes?—They are the original notes my Lord, that I took in ſhort-hand, on the trial of Peter Newberry and William Iverſon, they have been unaltered ever ſince.

CHRISTIAN GOODMAN *ſworn.*

I was eighteen the eighth of March.

Are you the ſon of Peter Goodman?——Yes.

Court to Peter Goodman. What age is this boy?——He is eighteen.

Where do you live?——I have lived in Lime-houſe more than a year, I came over from Germany from the army, I brought my wife with me, the boy was born here, I belong to the Engliſh army, and I came over here upon the peace; my ſon was born about a year after the peace in Germany.

Was this boy born in Lime-houſe pariſh?——Yes.

Was he chriſtened there?——No, he was chriſtened in the Daniſh chapel, for I am a Dane born.

Have you any other children?——No more alive than that.

CHRISTIAN GOODMAN *ſworn.*

Mr. Garrow. Did you know Peter Newberry?—Yes.

Do you remember the time he was taken up for robbing John Lockell?—Yes.

Do you know this man Harvey?—Yes, Sir, I know him by the ſight, but I did not know him before he came with the ſoldier and knocked at the door firſt.

When was this?—I cannot tell directly what time.

How long before Peter was taken up?——About a quarter of an hour, I believe it was about ſix or ſeven, it was dark, it was the ſame evening, the old ſoldier came and knocked and aſked for Peter, I mean Lockell, he lodged at our houſe, ſays my mother who is there, ſays he, I want young Peter, what Peter ſays my mother, ſays he I *wants* Peter, ſo my mother ran down ſtairs with a candle in her hand and opened the door, ſo then they went away to the public houſe.

Who do you mean by they who were with Lockell?——Why, Mr. Harvey, Sir, he ſtood up againſt the wall.

How came they to go away?——They went to the public houſe to look for him,

my

my mother ſaid, Peter Newberry was not at home; he was not at home, he was gone to the ſawyers, in Rope-makers-fields; I went directly down Rope-makers-fields, to look for Peter Newberry, and as I went along, I met him coming in the ſtreet.

What was he doing in Rope-makers fields?—He went to the ſawyers, and I met him coming from the ſawyers.

What did you go for?——To tell him there was John Lockell and Harvey to take him up, and I told him to go away.

Had they when they were at your houſe, told you what they came for?——No, Sir, but I knew they were come to take him up, becauſe I ſaw Harvey.

How did that lead you to it?—Becauſe he was headborough, and I had ſeen him take ſo many people up, I deſired him to go back to the place from which he came, but he would not, and I came home alongſide of him to my father's houſe.

How ſoon after you came home, did you ſee Harvey again?—He was in our houſe when me and Newberry came home together.

Was Harvey in the houſe then?—Yes.

What paſſed then?—We ſaw nobody at all, and then when we came back, Peter ſaid, there they are, and ſo I ſaid, yes, there they are, we went back to our own houſe, there were ſeveral people ſtanding on the outſide of the houſe, and they ſaid, Peter, go away, there is Harvey, and he will take you up.

Did you ſee Harvey in the ſtreet, as you was returning with Newberry?——No, when I came along with Peter Newberry, Harvey was in the houſe.

Did Newberry run when he came back with you?—No.

Did he run through a narrow paſſage into Fore-ſtreet?—No.

Out of Fore-ſtreet, into Rope-makers-fields?—No.

When you came to the houſe if I underſtand you right, you found Harvey there?——Yes.

Was Lockell there too?——Yes, they were coming down ſtairs.

Did Newbery go in with you?—Yes, he went in firſt, and I went in afterwards, upon his going in Mr. Harvey took hold of him by the collar, and ſaid, you are the gentleman I was looking for, and he carried him away to the cage; I went to the cage, and Harvey aſked for the keys of the cage to open the door, he continued to hold him all the way.

Did he eſcape from him at all?—No, he never moved at all.

Mr. Fielding. Little man, do you know a perſon by the name of Smallwood?——Yes.

Is he in Court?——I believe he is down there.

Have you had any converſation with Mr. Smallwood, little boy?——No, Sir, no further than he ſaid he would ſubpœnea me to go.

Did not he aſk you the ſtory, and tell you what you was to come for?——Yes, he told me I was to come about Peter Newberry, becauſe I was with him.

Have not you talked over this affair?—A little, not much, I was at the trial of Newberry, my father was there, I was not called for at that time.

Notwithſtanding you was the boy that kept company with Peter in the manner you have related, you was not called at the Old Bailey?——No.

Who told you it would be neceſſary to ſpeak ſo preciſely to Newberry's getting within the houſe?—Nobody, I was playing in the ſtreet, when Lockell and Harvey came to the door, I was up ſtairs, my mother looked out of the window, ſhe opened the door, and Harvey went up ſtairs.

Who did he find up ſtairs?—My father, ſitting by the fire-ſide chopping of wood, and nobody elſe was in our houſe.

Not another man and woman?—There was nobody elſe but my father and mother, and another young man.

When Mr. Harvey and Lockell were there did you ſee them or talk to them?—No, not at all.

When was it that you ſtole out to tell Newberry that they were after him?——I did

did not ſteal out, I was determined they ſhould not meet him that night.

You was determined that they ſhould not meet him that night?—Yes.

Did you aſk Lockell what he wanted?—No.

He lodged in your houſe?——Yes.

In what condition was this poor man that night?—He ſeemed as if he had been ſcratched by ſome woman in the face.

Was that all that ſtruck you?—Yes.

Why might he not be ſcratched by men?——Men never ſcratch, they were on his cheek: he was ſtanding at the door, I obſerved it by my mother's candle.

What made you believe if Lockell had been ſcratched in the face by women, he ſhould want Peter Newberry?——He was drunk when he came to the door, he only aſked for Peter, and I concluded that they wanted him, and I went out to find him, I found him in Rope-makers-fields, he was coming home then, he went to no other place with me from that in which I met him, till Harvey came and took him into cuſtody, it was about twenty minutes before he was taken, the diſtance was about the length of the court.

You came from thence home?—Yes.

You apprized him that Harvey was in purſuit of him?—Yes.

Did not you ſee Harvey behind you?——He was withinſide the houſe, there were ſeveral people at the door at the ſame time.

How came Newberry into the houſe?—The door was open, and Newberry went in firſt.

How came he to get in at the door?——Becauſe our door always ſtands open.

How many people came up to Harvey's aſſiſtance?—I cannot ſay indeed, the only people that were in our houſe, were my father and mother, and another young man who is gone over to Germany.

You left your father and mother up ſtairs when Lockell firſt came?——Yes.

Did your father and mother come down ſtairs?——Yes, before I went out, and when I came back I ſaw Harvey coming down ſtairs, and the ſoldier before him, I did not ſee either my father or mother, my father and mother were up ſtairs, they could not ſee Newberry come in.

Mr. Garrow. Did I underſtand you right, that when Newberry came back ſeveral people were about the door?—Yes.

Name ſome of them?——There was William Stones, and Elizabeth Mullett gave a candle, there was Mrs. Brooks ſhook hands with Harvey at the door, Mrs. Milledge was looking out of her window, Mrs. Brooks was preſent both firſt and laſt time, that Harvey and Lockell came to the houſe.

Mr. Fielding. Why did not you tell me of theſe people being about the door?

Court. He ſaid ſeveral people, but you did not deſire him to name them?—Mrs. Brooks was there and big with child then, when I returned to the ſame houſe with Newberry, ſhe was in the mob, ſhe ſhook hands with Harvey a little before.

What the firſt time that Harvey came to the houſe?—Yes, he was twice at the houſe, ſhe ſhook hands with him the firſt time.

Did you ſee anything of Harvey in the ſtreet the firſt time of his coming?——He did not come into the room, he ſtood up againſt the wall, I was ſtanding at the door with my mother.

Where were you when Harvey came firſt to the houſe with Lockell to enquire for Peter?—I was up ſtairs, and my mother too, and I came running down ſtairs with my mother.

Where did you firſt ſee Harvey then?—I ſaw Lockell firſt, and then I ſaw Harvey ſtanding againſt the wall.

Your father was up ſtairs then?—Yes, he did not come down with me then.

Did he come down before you went to Peter?—No, Sir.

Pray how came you to judge what they wanted with Peter?—Becauſe I ſaw Harvey, I thought they would put him in the watch-houſe.

What for?—I did not know.

How

How came you to think they would?—Becauſe I ſaw Harvey there.

How came you to judge that they would put Peter in the watch-houſe if he had done nothing?——Becauſe I thought he had been wrangling with him.

Had you heard that before now?—My mother ſaid, ſhe would have Lockell beat for going to her cuſtomers to ſell wood to them.

Had you ſet Peter to beat him then?—No.

How came you to think at this time that Peter had been doing anything to Lockell?——I did not know anything of it, only that he ſaid he would have young Peter, if he found him anywhere, let him find him where he would he would have him, he ſaid ſo at the door, when he came firſt with Harvey.

How came you not to tell this gentleman ſo juſt now, when he aſked you very particularly?——Becauſe I did not think of it then.

Then your mother had quarrelled with Lockell before this, and wanted him beat? Yes, Sir, that was before he went away, then he took it into his head, and my father was bad a-bed, and he went away.

Had Newberry taken any part with your mother in that quarrel?——No.

Had Peter and Lockell quarrelled at all?—No, Sir, never, they laid together.

What did you and your mother come down for, when Lockell and Harvey came firſt to aſk for Peter?——To open the door for him.

You told this gentleman a little while ago, that the door always ſtood open?—Yes.

Then what occaſion to come down to open it?—It is open, not locked or latched, but it is ſhut too cloſe, it goes too of itſelf; it is open always, only not locked or latched.

Peter had lodged there before?——Yes, ſo had Lockell.

Then he knew that your door ſtood always open, without being locked or latched?—Yes, but he knocked at the door, he did not puſh it open.

Though he knew that your houſe was never locked or latched, he did not attempt to come in?—No, Sir.

But knocked as though he wanted to take up a perſon in the houſe?—Yes.

When you came back with Newberry, how long was that after Harvey had been the firſt time to the houſe?—I cannot tell, indeed, how long.

Do you know what public houſe they went to?——Yes, they went to the Pink.

Did you ſee them go into the Pink?——Yes, Sir, and my father went with him; I did not ſee my father and them go into the Pink.

How far is the Pink from your houſe?—It goes down a turning cloſe by our houſe.

How far altogether may it be from your houſe?—I believe it may be twenty or thirty yards.

Then I think you ſay you met Peter about the length of this court from your own door?——Yes, Sir, in Ropemakers fields.

You met him and told him that theſe people had been looking after him?—Yes, and he ſaid he had done no harm, and he would come home; I was out of ſight of my own door; our door does not look towards Ropemakers fields, becauſe the ruins are broad; I went back directly with Peter, I was only gone the time I ſhould be walking the length of this court and back again, after that we came home again.

Then though your father and mother and Lockell had gone to the Pink public houſe, yet they had made ſuch haſte that they had got back again, and had got up ſtairs?—Yes.

Was your father up ſtairs then?—Yes, they were coming down and they met Peter in the lower room, and took hold of him, there is no paſſage, we go through the lower room to the ſtairs; we all knew he was gone to the ſawyers.

Then your father took them to the Pink on purpoſe to take them out of the way?—Not that I know of.

Do you know William Iverſon?—Yes.

Did you ſee him that night?—No, not before he was taken to the cage.

How

How far did Iverſon lodge from you?—I cannot ſay, it was in Shadwell pariſh.

Court. Let that little boy go out at that door, and wait till he is wanted.

WILLIAM STONES *ſworn.*

Examined by Mr. Morgan.

Do you know Peter Newberry?—I cannot ſay that I know him any farther than I heard his name the night he was taken.

Do you know Mr. Harvey?——Yes, I know Peter Goodman that keeps a ſmall houſe there.

Was you there the night that Newberry was taken up?——I was cloſe to the door.

Did you ſee the old ſoldier and Harvey?——I ſaw them in the houſe.

Once or twice?—I ſaw them there once, I ſaw the man go into the houſe, and he was taken in the houſe, I am upon my oath.

Did you ſpeak to him going into the houſe?—I ſaw him come home, and as he came up to the door, I ſaid Peter do not go in, there is Mr. Harvey looking after you, the man made anſwer, and ſaid I have done nothing, I will go in; the man went in, I ſaw him go in.

Where was Harvey at the time that Newberry went into the houſe?—I cannot tell, I was ſtanding at the door, but I ſaw Harvey come out, and the ſoldier with Peter Newberry; I ſaw the three come together out of the houſe.

Did you go with them?——I went to the watch-houſe, and I ſaw Mr. Harvey put him in the watch-houſe.

Did he eſcape from him at the time whilſt he was going?——No Sir, he went along with him to the watch-houſe.

Was that after Peter went in, when you had ſpoke to him?——Yes.

Mr. Fielding. Now my friend Stones, was you at the trial at the Old Bailey?——No, I was not.

What are you?—I am a labouring man.

What ſort of labour do you follow?—Sometimes I work in the deal yards, ſometimes rope-making.

Or anything I take it for granted; how came you here to-day, account for that; I ſuppoſe you was ſubpœned you will tell me?——Yes.

How came they to find you out?——I do not know, I ſuppoſe ſome of the neighbours told that I was preſent.

When was Mr. Smallwood lucky enough to find you out?—I have ſeen him ſeveral times, I lived at the bottom of Vine-ſtreet, it is about the middle of the ſtreet where this Peter Newberry lodged.

Was you an acquaintance of Peter Newberry's?——No Sir, no further than ſeeing him in the ſtreet? I know as much of Iverſon as I know of the other.

Who was it that told you that Harvey was after Peter?——I heard people ſay there were people after Peter Newberry, but who they were I could not ſee, it was dark, I could not take particular notice who they were, I heard that Harvey was after Peter Newberry, that was the converſation thereabouts.

Did you ſee Harvey and Lockell when they firſt gained admiſſion into Goodman's houſe?——I ſaw Harvey in the houſe.

When was it, the firſt time?—They all three came out together.

Was that the firſt time that you ever ſaw Harvey in the houſe?—I ſaw the door open, and I ſaw Harvey and the old ſoldier looking into the houſe for Peter Newberry.

The door was open then?——Yes, Sir, the door was open then, when Peter Newberry went in.

Was that the firſt time that you ſaw Harvey or Lockell in the houſe of Goodman?——No, it was the ſecond time, becauſe I ſaw him in the houſe looking for Newberry.

How long might it be between the two times?—I cannot tell juſtly the time, it was but a ſhort time, becauſe directly as he went in Mr. Harvey took him directly, I ſpoke to Newberry at the door, ſays I, Peter, do not go in, there is Harvey looking after you; to the beſt of my knowledge I did not ſee anybody with him but himſelf;

ſelf; he ſaid, ſays he, I ſhall go in, I have hurted nobody, I have done nothing that I am afraid of, I ſhall go in; he went in directly, and ſhoved the door open with his left hand, and went in, and Harvey took him.

Had you and Newberry any converſation?—It was not half a minute, there were people that heard the words ſaid, but they could not tell who the perſon was that ſaid the words.

I take it for granted that there was nobody there but yourſelf and Newberry?—Yes, there were people looking round the door to ſee what was the matter, and I ſtopped at the door, as another might, and I ſuppoſe I had not ſtopped there five minutes before this Peter Newberry came down the ſtreet to go home, and the people ſaid Harvey was after Peter Newberry; to the beſt of my knowledge Newberry came home by himſelf, I ſaw nobody with him, I had not been about this houſe, take it all together, more than five minutes, I took no notice of the condition of the old ſoldier; what I have ſaid is truth, I can ſay no more.

Court. Do you know William Iverſon?—I know one as much as I know the other.

Did you ſee Iverſon that evening?—No, Sir, I did not ſee him at all that evening, only Peter Newberry.

You ſaid at firſt when you was was aſked if you knew Peter Newberry, that you could not ſay you knew him?—I never was acquainted with him otherways than ſaying how do you do, of a Sunday.

Did not you know the man very well?—No farther than hearing his name that night, ſomebody ſaid there is Peter Newberry.

You had never heard his name till that night?—No, Sir.

How many people were about the door when Peter came home?——To the beſt of my knowledge there might be five or ſix, but I cannot tell who they were, it was dark.

Was you the firſt that ſpoke to him when he firſt came home?——Yes, Sir, directly after he came home I ſpoke to him, and told him not to go in there for Harvey was after him; ſays he I have done no hurt to anybody, and I ſhall go in.

Are you ſure you ſaid to him what you have told us?—Yes.

And you was the firſt that ſpoke to him?——Yes.

Did the people ſay any thing to you, when he was coming home?—No, Sir, they ſaid there was Harvey after Peter Newberry.

But when you ſaw Peter coming home, did the people then ſay anything to you?——No, Sir.

Are you ſure of that, now recollect yourſelf?—Yes, nobody ſaid anything to me, becauſe directly as I came home I ſpoke to him, and ſaid, do not go in, for there is Harvey coming after you.

The people had been ſaying before that Harvey had been after Newberry?——Yes, I never heard his name till that night.

Did the people tell you where he lodged?——I knew he lodged in that houſe where he was taken.

How did you know that that man was Peter Newberry?——I knew that was the man that lodged there.

How, as you never heard his name till that night?——The people round the door ſaid here is Peter Newberry coming down the ſtreet.

They ſaid ſo?——Yes.

Why have not you twice in anſwer to my queſtion ſaid that the people had not ſaid anything to him or to you, and twice you anſwered me they did not?—He came up to the door, I told him not to go in.

Did the people ſpeak to you, or did they not?——They did not ſpeak to me, I heard them ſay that Harvey was after Peter Newberry; I heard the word mentioned that here was Peter Newberry oming, but I cannot ſay who they were that ſaid ſo.

If you had never been in company with Newberry, nor never knew his name till this night, how came you to be the firſt man that ſaid ſo very familiarly to him Peter, do not go home, here is Harvey?—

I knew him to lodge there in the ſame ſtreet; I live at the bottom of the ſtreet, and I look upon it that the houſe was in the middle of the ſtreet where he lodged, I did not know what they had been looking after him for, the reaſon I bid him go away was, I thought he had been getting drunk, and quarrelling with ſomebody, and that Harvey had a warrant againſt him; I know Peter Goodman, and the little boy his ſon, by ſight.

How long have you known them?—Living in the ſame ſtreet.

How long?——I have lived there in the ſtreet about eight or nine months to the beſt of my knowledge.

Did you ſee either of them that night?——Yes, I ſaw the father.

Where did you ſee him?——In the ſtreet.

Whereabouts?—It was after Peter was taken and gone to the watch-houſe.

Did you ſee Harvey and Lockell come to Goodman's houſe before Newberry came?—No, Sir, I did not.

Did you ſee the little boy at all?—No.

The door I think you ſay was not open when Newberry came home?——No, he ſhoved it open with his left hand to go in, and it was not open then.

Then when was it that you ſaw Harvey and Lockell about the houſe, and up ſtairs for Peter?—To the beſt of my knowledge it was between ſeven and eight, or eight.

How long was it before Peter came home?——It might be about three or four minutes.

Who ſhut the door after that?——Peter Newberry ſhoved the door open with his left hand, and I ſaw Harvey in the houſe.

Did you ſee Harvey and Lockell, the old ſoldier at all before Peter came home?—When Peter Newberry ſhoved the door open——

Anſwer the queſtion direct, did you ſee Harvey and Lockell at all, before Peter came home anywhere?——I did not ſee them till I ſaw Newberry ſhove the door open.

Was there anybody in the paſſage when Newberry ſhoved the door open?——I did not ſee anybody but Harvey and the old ſoldier.

Where were they?——Juſt at the foot of the ſtairs.

Were they below the ſtairs, or upon the ſtairs?—Below the ſtairs.

Not on the ſtairs?—No.

That was the firſt you ſaw of them?—Yes; then as ſoon as Peter ſhoved the door open they laid hold of him directly.

Did any body elſe go in after Peter when they laid hold of him?—No; I did not ſee any body elſe go in but Peter.

Did they come out with him directly?—Yes.

If any body elſe had gone in but Peter you muſt have ſeen them I ſuppoſe?—Yes.

You did not ſee Harvey and Lockell go in?—No Sir.

Then they muſt be there before you came there?—Yes.

You told that gentleman here when he aſked you, that you ſaw the door of the houſe open and Harvey and the ſoldier in the houſe looking for Peter, how came you to ſay that?—When Peter went in he ſhoved the door open and then I ſaw Harvey.

Then it was not true that you ſaw the door open before, and Harvey and Lockwell in the houſe?—No Sir.

Court. Let this witneſs ſtep out and the little boy come again.

Court to little Boy. You ſaw Stones and Elizabeth Mullet in the paſſage, and Mullet gave a candle, and Mrs. Brookes was there?—Yes.

Now, was that the firſt time that Harvey and Lockell came to the houſe, or the ſecond time?—The ſecond time.

Becauſe you know you ſaid that Mrs. Brookes ſhook hands with Harvey at the door?—Yes, ſhe ſhook hands with him at the firſt time.

Was Stones there then?——No ſir, he came there afterwards.

Was Elizabeth Mullet there then?——She was, but Stones was not; I did not ſee him come; when I come back with Newberry he was ſtanding in Vine-ſtreet, facing our door.

I think you ſaid, that when you came

When

back, there were several people in the paſſage?---Not in the houſe.

What do you mean by the paſſage?---In Vine-ſtreet, facing the door.

Then what you call the paſſage is the ſtreet?---Yes.

When you came back with Peter was the door of your houſe open or ſhut then?---It was open; ſomebody had put a bit of wood under the bottom of the door, and it was left open; when I came back with Peter the door was quite open.

Then you could ſee into the houſe as ſoon as you came back?---Yes.

Before Peter went in?---No ſir, I was behind Peter; he went in before me; I could ſee the door was open, becauſe I was behind him all the way.

Whereabouts did you firſt ſee Harvey and Lockel?---He was coming down the ſtairs and Harvey had like to have tumbled over the old ſoldier to get firſt; they were both on the ſtairs when I ſaw them; I am ſure of that; Newberry ſtopped at the door the value of a minute, then he went in at the door; I went in after him.

Did you ſpeak to Stones at all?---No ſir.

How near was you to the door when he went in?---I cannot tell.

You ſaw him very well?---I cannot ſay I ſaw him, becauſe he was ſtanding among the people; I ſaw his coat but I could not ſee his face; I know the colour of his coat; there were a great many people together; I am ſure he was there.

Quite ſure?---I am quite ſure he was there; when Peter came home I heard ſomebody ſay, Peter go back; he ſaid, I have done no harm; I believe it was Stones and Elizabeth Mullet too, I cannot ſay it was him, but I heard ſomebody beſides Mullet ſay ſo.

Did you know Stones before?---Yes; he lived juſt by, and had ſome time.

Did he know Peter Newberry?---I cannot tell; I have ſeen them talk together ſometime in the ſtreet.

PETER GOODMAN *ſworn.*

Mr. Garrow. You know Newberry?---Yes.

You remember the time he was taken up?---Yes.

Where was you on the evening of that day?---In my own houſe.

Was you there when Harvey and Lockell came the firſt time?---Yes; they came and Lockell knocked at the door, and my wife looked out of the window and ſaid, what do you want; then ſhe went down and opened the door.

You continued up ſtairs?---Yes.

Did you hear what converſation paſſed between Lockell and your wife?---Yes; my wife ſaid what is the matter with you, Harvey ſaid, I do not want old Peter, that was me, but I want young Peter, and my wife ſaid young Peter was gone to the Sawyer's, then ſhe called me down ſtairs, and I came down to the door, and then I ſaw young Lockell ſtand facing the door, and Mr. Harvey on the ſide by the wall, ſo then Lockell aſked me if I knew where young Peter was gone, and I ſaid I believed he was gone to the ſawyer, at the public-houſe; he aſked me what public houſe, I then told him I did not know the houſe, but I knew the ſign, ſo then I went to the public houſe to ſhew it him; the ſawyer was gone home to his own houſe, it is ſome diſtance from our houſe, the ſign of the Pink.

How long did you ſtay at the public-houſe?---No longer than I could aſk for him; they ſaid Peter was gone home; then I went to my own houſe again, Harvey and Lockell went with me; I went up ſtairs and began to ſplit wood; Harvey and Lockell went down the ſtreet to the water ſide; they did not go along with me, but in a little while they came back again and came up ſtairs; Lockell and Harvey both together came up into the one pair of ſtairs where I was ſplitting of wood; I ſuppoſe I had been at home almoſt a quarter of an hour to my knowledge.

Was Newberry with them at that time? No Sir.

How ſoon after Harvey and Lockell came back the ſecond time did you ſee Newberry?---When they came up ſtairs again I told

Lockell

Lockell to go up ſtairs, to ſee that he was not come home.

How ſoon after this did you ſee Newberry?---About ſome few minutes after he had been up ſtairs and came down, Newberry came into the lower room, ſomebody called Harvey here is Peter, me and Harvey and Lockell were then up ſtairs.

What became of Harvey then?---Then Harvey went down the ſtairs and took hold of Peter, and ſaid you are the man I want.

Where was Peter then?---He was in the lower room, in the middle of the room, where he had been ſawing wood all day.

Do you know William Stones?---Yes; he lives juſt by; I ſaw him in the ſtreet.

Mr. Fielding. Newberry, I underſtand is a countryman of yours?---No; he is a Swede.

How long has he been on this ſide the water?---He has lodged with me about half a year.

Your wife and Lockell had had ſome quarrel before?---Yes, they had.

Did you ever hear her ſay ſhe would have Lockell licked?---No, I never heard her ſay ſo.

What time do you go to bed?---When we leave off work we all go to bed together, ſometimes at eight, ſometimes ſeven; I was at the trial at the Old Bailey.

What time did you ſay Newberry went from home?---It was paſt ſix o'clock; Iverſon is my countryman, I knew him before; I knew the time he came laſt from Greenland; I had not ſeen him in my houſe in the courſe of that day.

Did there exiſt to your knowledge, any intimacy between them?---No.

You did not ſend your little boy of an errand then?---No.

Do you ever ſuffer him to be out in the ſtreet of a night?---No.

I take it he cannot walk very faſt?---No, he cannot.

Where was this boy when Harvey and Lockell firſt knocked at your door?---He was up ſtairs binding of wood; the boy was up ſtairs from that time to the ſecond time that Mr. Harvey came; my wife called me down when they came; I went with them to the Pink, when I came back again I found my boy in the ſame room.

Thoſe people who came back with you the ſecond time, Harvey and Lockell, they went out of the houſe again?---Yes.

What became of the boy?---The boy was in doors.

All the time?---Yes, all the time.

From the firſt to the laſt time they came to the houſe, was your ſon ever out of the houſe?---At the time they came laſt to the houſe I believe he went down ſtairs.

But did he go out of doors?---To be ſure he did.

But how far did he go?---I do not know.

Now how long was this before ſomebody ſaid, here is Peter?---It was a little before that time that the boy went down ſtairs.

Court. Then the boy did not go down ſtairs till after the people called out here is Peter?---Oh yes, he was down before.

How long did the boy go down before the people called out, here is Peter?---I cannot tell.

Where was the boy when Peter came in?---He was along with Peter; I ſtood upon the ſtairs and ſaw him.

Any perſon ſtanding on the outſide of the ſtreet-door might have ſeen all the people in the paſſage?---Yes.

Then, that perſon might have ſeen your ſon as well as Newberry?---Yes.

How long before that moment had you ſeen him?---Five or ſix minutes; I cannot ſay to a minute.

Then your ſon was loſt to your ſight for about five minutes?---Yes.

Court. I think you ſay that you went firſt with Harvey and Lockell to the public houſe to look for Peter?---Yes, I left him there, and I came back again, and he was there.

Then he ſtaid till Harvey and Lockell came again?---Yes.

Then

The remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 14th of SEPTEMBER, 1785, and the following Days;

Being the SEVENTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Henry Harvey.

Court. Then he went down ſtairs; he had not been down before?—No.

Did Harvey and Lockell go out at all before Newberry came in?—No.

Are you ſure of that?——Yes.

Did not you know that the ſawyer was not at the public houſe but in Ropemakers-fields?——No, I did not, I thought he was there.

Did not you know that Peter was gone to Ropemakers-fields after the ſawyer?——I knew that a little girl belonging to the ſawyer came to fetch him to the ſawyer; I did not aſk where the ſawyer was.

Then how came you to ſend the little boy to Ropemakers-fields to Peter, to tell Peter that theſe men were come for him?—I never did ſend for him; it is not true.

Then you did not tell him to go to tell Peter theſe people were after him while you took them to the public houſe?——I never did, I cannot tell how the boy came to go of his own head; I did not know what they wanted with Peter; I aſked the ſoldier what he wanted, he ſaid he wanted to ſee Peter, that was all.

Mr. Fielding. Old fellow, have you had any converſation ſince you have been here with that gentleman below you?——No, I have not ſpoke at all ſince I have been in Court.

Not ſince you have been firſt in Court?—No, indeed I have not.

ELIZABETH MULLETT *ſworn.*

(Examined by Mr. Morgan.)

Where did you live in January laſt?—In Vine-ſtreet.

Did you know Peter Goodman?—Yes.

Did you live any where near him?——Yes, almoſt facing him.

Do you remember the night that Peter Newberry was taken up?——Yes.

Where did you ſee Peter before he was taken up?——I did not ſee him any where.

Do you know any thing of his being taken up?—No, Sir, I do not.

Do you know Mr. Harvey?——Yes.

Do you know the old ſoldier Lockell?—No, Sir.

Do you remember ſeeing Harvey go to Peter Goodman's houſe?—No.

Court. My girl, you know that Peter Newberry was taken up for a robbery?——Yes.

Did you know it the ſame night that he was

was taken up? —— No, not till afterwards.

Mr. Fielding. Have you ſeen Mr. Smallwood this morning?—Yes.

Court. Now, my good girl, tell me the truth, how came you here as a witne ? — Sir, becauſe they came to me.

What were you to come here to prove? ——I can tell you, if you pleaſe.

Certainly, it is your duty, you are bound by the oath you have taken to tell the truth without fear of any perſon whatever; you are under the protection of the Court, and you will do yourſelf honour by telling the truth; you need fear no perſon whatever? ——Sir, I came to my own door, and Mr. Harvey ſaw me, and he ſaid, my dear, will you lend me the candle, and he took the candle out of my hand, and he went to look for this Peter Newberry, and then Peter Newberry came down the ſtreet.

Court. Take care what you ſay; you told me juſt now you was not preſent when Newberry was taken up, and did not know of his being taken up till afterwards, now, recollect yourſelf?——I d d tell you ſo.

Is that true?——Yes, Sir, it is true.

Then, if that be true, then how came you to be here as a witneſs; what do you know of Mr. Harvey about this buſineſs; did you know that night that Newberry was taken up afterwards? — I do not know nothing about what Harvey did that night, I was agoing to tell you that Mr. Harvey ſaid to me lend me the candle.

When was that?—The night the robbery was committed.

Who told you ſo?—Only I heard people ſay ſo; I opened the door, and he came to me, and ſaid, will you pleaſe to lend me the candle, and I lent him the candle, and the mean while he went up ſtairs to look for this Peter Newberry; Peter came down the ſtreet, and ſomebody ſaid, go back, for there is Harvey after you, and I heard him, and I ſaid to him, Peter, there is Mr. Harvey after you; ſays he, I have done nothing wrong, I ſhall not go, and he went into the houſe, and Harvey ſaid, you are the man I want.

Who deſired you to ſay this now?— Nobody, Sir.

Who told you this ſtory? — I ſaw Newberry taken up at Mr. Goodman's houſe.

Who ſpoke to you ſince you have been out of Court the firſt time?—Nobody.

How came you, then, when you was firſt called up as a witneſs, to tell me that you did not ſee Peter that evening, that you knew nothing about his being taken up, and did not know that he was taken up till afterwards, how came you to ſay ſo? —I do not know, indeed.

Did not you know you was upon your oath?—No, Sir, I did not.

Which am I to believe, what you firſt ſwore, or what you ſwear now, which is the truth? —I cannot ſay no more than I have ſaid about the candle.

How came you to ſwear you did not know of it till afterwards?—I made a miſtake.

Has either ſide ſpoke to you reſpecting the evidence you was to give or not to give, either of the parties; in the firſt place, do you know Mr. Smallwood? —— Yes, Sir, very well.

Well, has he ſpoke to you relative to the evidence you were to give?— No, Sir, nor Harvey.

You attended once before the Grand Jury to find the bill?—Yes, I did.

Then, how came you to ſay you did not know it till afterwards; did any body deſire you to ſay ſo?—No.

You do not ſeem to know at all the obligation of an oath, or that you are bound to anſwer with truth the queſtions that are aſked you; I cannot take your evidence, and you may go; you ſhould think yourſelf well off you are permitted to go.

TERENCE REYNOLDS *ſworn.*

(Examined by Mr. Garrow.)

In January laſt I lived in Vine-ſtreet, Limehouſe; I know Newberry and Goodman.

Do you remember the night that Newberry

berry was taken up for a highway robbery? —I do, I ſaw him taken up.

Where was he taken up? — In the houſe of Goodman; Harvey and Lockell took him together; they all three came out of the houſe together; I cannot ſay preciſely which took him; after I came in the ſtreet I heard an uproar; I lifted up the ſaſh, and I ſaw Harvey on the oppoſite ſide of the way, and a man ſaying he wanted this man; then in a little while after he got a candle and candleſtick to go acroſs the way into this ſaid houſe, to ſee for Peter Newberry, and in a ſpace of time he came down the ſtreet, and ſome perſon in the croud ſaid, Newberry, go back, for there is Harvey looking for you; in the next place he ſaid, he did not mind Harvey nor anybody elſe, he had done no offence to anybody, nor was he afraid of anybody; then from that he came down the ſtreet, and clapped his head to the jam of the door, as if liſtening, and he ſtood with ſomebody talking but I could not obſerve what he was doing, and then he went into the houſe.

Was the door ſhut or open?—I was up a pair of ſtairs, I cannot be poſitive as to that, he clapped his hand to the jam of the door, and ſtood a trifle of time, a minute or a minute and a half, and then he went into the houſe, and as I underſtood the ſoldier and Harvey, they endeavoured to take him to the Compter, but they all three came out together in a little ſpace of time.

Mr. Fielding. Where did they pick you up?——Sir!

When was it that the attorney or anybody in his buſineſs applied to you to come here?——I will tell you Sir, I was in bed, when I was ſent to firſt, and I was called out to a job as I thought, when I went to the houſe where this attorney was, as I underſtood to be his attorney, and Mr. I do not know his name, who keeps the public-houſe, ſerved me with a ſubpœnea, and gave me a ſhilling.

Any thing to drink?——Yes, there was three pots of beer, this is three weeks ago, to the beſt of my knowledge.

Was three weeks ago the firſt time that was you ſpoke to?—I never was ſpoke to, nor never had any *imitation* about this buſineſs.

Do you commonly wear a white frock?——In general.

You ſaw Newberry in the cuſtody of Harvey in the ſtreets?——I ſaw him in the ſtreet before he was in cuſtody, and afterwards.

What ſhould have led you to the window then?—There was more noiſe before than there was after, he was in cuſtody, there was an uproar about a robbery, that led me to the window, the man ſaid he wanted his money.

Court. That was publickly made a noiſe of about the ſtreet?——Yes.

Did Newberry come home alone, or did anybody come home along with him?——I ſaw nobody come home along with him, but I ſaw him, I know him perfectly well, the ſtreet was wide to one perſon as well as to another.

Did you ſee anybody go into the houſe along with Newberry?——No, Sir, he went in voluntarily of his own accord, as I could obſerve, I ſaw him plainly go in.

Did any body go in with him or not?—I did not ſee any perſon, I did not ſee any perſon, I did not know the *confidence* of the affair, I never expected to come into any *behalf* till I was ſubpœnaed.

SUSANAH MILLEDGE *ſworn.*

I know Goodman and Newberry, I was going to bed, I was very big with child, I lived the third door from Goodman's, I heard a noiſe, I lifted up the ſaſh, I heard Mr. Harvey's name mentioned which made me more anxious to look out of the window, then I ſaw the ſoldier, and the people flocking into the houſe, to ſee what was the matter, and the man came after they got into the houſe, I heard Mr. Harvey ſay to this German woman or Dutch woman, you have conveyed this man away over the pales, and ſhe ſaid, if I am to be believed upon the word of a woman, I have not ſeen Peter ſince ſix to night; in the mean

mean while Mr. Harvey was in the house, Peter Newberry and this lame boy came up to the door, and they went into the house, I saw no more.

Mr. Morgan. Where was Harvey when Peter Newberry came into the house?——He was in the house, I did not see them come out.

Mr. Fielding. Mrs. Milledge, you was going to bed?——Yes, I was sitting on the side of the bed when the affair happened I continued at the window from first to last about ten minutes.

Not above?——No.

Did you go to bed?——No, I did not, I stood at the window, but I saw no more of them at all.

When was you applied to, to be a witness on this occasion?—Applied to!

Aye, when did anybody wait upon you or come to you, did Mr. Smallwood come to you?——Yes, that was the time the men were in Newgate.

When was you ordered to come here?—I had a subpœna to go to the Old Bailey, upon this trial, I never saw Mr. Smallwood only coming down once or twice or three times, I know Stones, I cannot say whether he was in the street or not, I was not so very particular.

Do you know Reynolds?——Yes, my door is before you come to his, he was at his window the same as I was, I saw Harvey and the soldier go in, but I did not see Harvey come out.

Not at all?—Not at all, I saw the soldier come out dancing with a broom-stick in his hand, I saw them go in between seven and eight.

Court. Mrs. Milledge, your attention was first caught by the noise in the street?—Yes.

You saw the soldier and the people flocking into Goodman's house?——Yes.

After they got in you heard Hervey questioning the woman about letting the man over the pales, and while they were in the house Peter Newberry came up the street with the little boy, and went in?—Yes.

Now before that time you knew it was Peter Newberry they were after?——Yes. but I could not tell upon what footing.

When you saw Newberry come, and go into the house where they had gone in before, had you no curiosity to see what became of them afterwards?——I saw Peter Newberry go into the house, then I quitted the window directly, I went and set myself down, my husband said I should catch cold, and I left the window being very big with child.

How came you to see the soldier come out?—I saw him come out before ever I quitted the window, that was before any of the rest came out of the house, it was after Peter went out of the house.

How long after?——I cannot say, I saw him come out as soon as Peter went in, the soldier came out with a broomstick in his hand, I quitted the window directly.

You were at the window in the whole about nine or ten minutes?—It might be ten minutes.

Then you were attending to what passed till you quitted the window?——Yes, I was.

Did you hear anything said to Peter?——Yes, I heard a person say, Peter, here is Harvey after you, and he said I have done nothing to Mr. Harvey, and he went in, I cannot tell who spoke to him.

Which way did the boy and Newberry come, up the street?——They came right down the street.

Do you know Rope-makers-fields?——Yes, very well.

Did they come from those fields or the other way?——That I cannot say, it is a great wide place before you come to our passage.

Did they come from Rope-makers-fields or the other way?—Sir, it is a long wide place; as I looked out of my window, he came to my right hand; Rope-makers-fields are to the left hand.

Then they came from the opposite way?——Yes.

ELIZABETH BROOKES *sworn.*

I live right opposite to Peter Goodman's,

I knew Peter Newberry, I remember the night he was taken up, I saw him that afternoon at work, I did not see him afterwards till he was taken; I saw him at the time he was taken, which was at Peter Goodman's house, I heard a noise, and I heard the name of Mr. Harvey mentioned, then I went out, and Mr. Harvey shook hands with me, and said how do you do Mrs. Brooks; says I, how do you do; says I, what is the matter; says he, I do not know, here has been a robbery committed, I do not know what to make of it either head or tail, for they are foreigners; Goodman's door was open, Harvey asked Millett to lend him a candle, then we all went into the house, and the soldier had a broomstick in the house, and a man standing at the door; says he, Peter go back again, here is Harvey after you; says he, I have done nothing to Harvey, I shall go in; I was in Goodman's house at that time, and Harvey and the soldier went up stairs to see for him, Harvey and the soldier continued at Goodman's house till Peter came in; they did not come down at all.

Who opened the door?——Mrs. Goodman, they did not come down stairs till Peter came in, the boy was on the outside of the door; a man spoke to Newberry at the door, and said go back again, here is Harvey after you; says he, I have done nothing I am afraid of, and he pushed his hand against the jam of the door, and pushed the door open and went in, and the soldier and Harvey came down stairs, I was the only one that was in the house besides them; as soon as ever the soldier saw Peter he laid hold of him directly, and said, you must know where William is, he has got my money; when Newberry came in, Harvey and the soldier were up stairs, and were not in sight; just as he came in they came down stairs, and the soldier first seized Peter by the collar, and Harvey caught hold of Peter's arm before he went out of the house, and said he must go with him.

You was not at the trial at the Old-Bailey?——No, I was not.

Court. You saw Harvey and the soldier go into Goodman's house but once?—No, only once.

Did Mrs. Goodman look out of the window before she opened the door?—Yes, and asked who it was, and the soldier I believe it was, said, he wanted Peter.

Then they never went away after that till Newberry came home?—No, Sir, Newberry came in, in the mean time.

Do you know Goodman's little boy?—Yes, Sir, he is a lame boy, walks with a crutch.

Where was he at this time?—He came along the street, not far from the door, I did not see him in the house, I went in with Mr. Harvey and the soldier, and the boy was not in the house to my knowledge, any other than I saw him at the door; if he had been in the house then, I must have seen him, nobody went out of the house.

Was the door open when you came back? The door stood a-jar, anybody might see into the house from the door to the stairs.

HENRY MILLER *sworn.*

I know Peter Goodman, I live almost facing of him, I was looking out of the window on the night that Newberry was taken up; I saw the officer and the soldier in the house searching for Peter Newberry.

What part of the house did you see them search?—By what I could see out of the window, they were up in the garret, and in the chamber, and were coming down stairs when Peter Newberry came in? I saw him go in, and he stopped at the door about a minute or two, and then he went in; before he went in I heard somebody say Harvey was after him, but who it was I cannot say; and he said he had done no harm, and he should go to his lodgings; I saw him go to his lodgings, I saw nobody with him to my knowledge.

Mr. Fielding. What might have led you to the window?——Because I heard a bit of a noise atth door.

How many houses are there opposite to this house of Goodman's?—I live at the first house on the right-hand side; I was first

first appriſed between ſeven and eight, I kept my place at the window.

How ſhould you know that Harvey and the ſoldier were ſearching for Newberry?—Becauſe I heard the ſoldier call out he wanted Peter; ſomebody came down and opened the door, but who it was I cannot ſay, then they went in and had a candle of ſome of the neighbours, but who it was I cannot ſay; then they went up ſtairs and ſearched the garret, and all this while my eyes were upon the houſe, and coming down the ſtairs again Peter Newberry came into the houſe.

Court. Was the door of the houſe open or ſhut?—It was open, to my appearance.

Did you ſee them come out again?——Yes, they came out all together, after Peter went in, and went up the ſtreet; I believe they came out in two or three minutes, I cannot ſay for a minute or two.

Do you recollect who came out firſt?—No, Sir, I cannot recollect, but I ſaw Mr. Harvey the officer have Peter by the ſhoulder.

Where was Lockell then?—He came out of the door along with them, they all came as near as could be together: I kept my eye on the door till they did come out.

Did Lockell come out dancing, with a broomſtick in his hand?—He had a broomſtick in his hand when they came all out together.

Was Peter Anderſon there at the time?——No, he was not.

PETER ANDERSON *ſworn.*

Do you know anything about Newberry's being taken up?——I was not there at the taking of him, I was there at the firſt ſearching for him.

Mr. Fielding. You remember the night that Lockell was robbed?——Very well I do.

Do you remember the calling out to Harvey, conſtable, conſtable?—No, Sir.

Mr. Fielding. Gentlemen, I am now to ſolicit your attention at this late time of the day, to the caſe of the defendant that ſtands before you, and I am ſure if it were to ſtrike me as neceſſary to offer any apology to you for the time I muſt neceſſarily take, you would think that apology would be impertinent; for I am ſure you will be heartily inclined to give a fair inveſtigation to this caſe. Gentlemen, although I ſtand here an advocate for Harvey, and he has a right to expect the exertion of my feeble abilities; yet I go with the learned Judge who tried this cauſe, in all the obſervations I have heard him make on the crime of perjury: I perfectly agree that there is not a crime more deſerving puniſhment; that if committed in the extent ſuggeſted here, puniſhment ſhould fall on the wretch without the accompanying commiſeration of any one ſoul; for if it be true that the man ſtanding before you has committed a wilful and corrupt perjury, on the trial of two men for their lives, my deſire is that he ſhould be puniſhed with the utmoſt ſeverity; at the ſame time you will be cautious of letting that indignation ſet aſide the weight of the evidence neceſſary to criminate the perſon that you have before you: Gentlemen, I cannot ſay I feel the taſk upon me to-day of vindicating the defendant an arduous one; becauſe added to the conſciouſneſs that I perſuaded myſelf of before I came into the Court, of Mr. Harvey's innocence, I now am more and more confirmed of the propriety of that perſuaſion from the evidence that has been laid before you: Gentlemen, you know very well that to conſtitute the crime of perjury, the will muſt go with the action, and there muſt be a corrupt motive all through; and wherever therefore that crime is imputed to a man, you will neceſſarily enquire into the motive: Now what can be the motive of Mr. Harvey for the commiſſion of this crime? Gentlemen, it is neceſſary for me to ſtate to you a little more at large the nature of this trial, and the reaſon of Mr. Harvey's being now proſecuted for this as a perjury at the Old Bailey: two men, foreigners, Newberry and Iverſon, were tried for a ſuppoſed robbery, committed on a man of the name of Lockell; Lockell, at

that

that trial was the profecutor, and the man before you was the other witneſs; and my learned friend, with ſome little ingenuity I muſt ſay, introduced that circumſtance to you, pointing where the evidence of Mr. Harvey became material, for he ſeems to ſuppoſe that you will be perſuaded of Mr. Harvey's being conſcious of ſuch materiality of his evidence, when he told you that the materiality of the evidence depended on the circumſtance of flight; if he could have eſtabliſhed in proof a fabricated lye or falſehood, that would have been a different matter from what you have now to conſider; but let not the guilt of the profecutor Lockell lay at the door of Mr. Harvey; if Lockell was brought to juſtice, then every man would be ſatisfied and pleaſed with the verdict, but there is not the leaſt idea, it is not inſinuated that there is any privity at all between Harvey and Lockell, or that Harvey ſpoke to any other circumſtance than merely the apprehenſion of theſe two men. Then, gentlemen, permit me to aſk you, what could have induced Harvey to go a little beyond the truth in his evidence on this profecution? I will tell you, becauſe it is the only evidence that can be ſuggeſted, in hopes of gaining a part of the reward on their conviction; now, this is the circumſtance they are to make out, that he, being appriſed of the effect of a flight being given in evidence, had confined his perjury to that idea; truſting to that idea having the effect of convicting the two men at the bar. Gentlemen, that you may clearly underſtand the nature of this caſe, let me tell you the ſtory of Mr. Harvey; he was the conſtable of Limehouſe, and the evening, when this robbery was committed, about ſeven in the month of January, it was dark, he was at that time at home in his houſe, he was called out by the alarm of a robbery that had been committed; the perſon ſuppoſed to be robbed was very near at hand, and he ſaw him inſtantly: upon his coming up to him he told him that he knew the men that had perpetrated the crime, that one was Peter, and the other was Will; that he knew where Peter lodged, and in conſequence of this information Harvey went to the houſe of Peter; now, part of this evidence, that you have heard in ſupport of this proſecution is true, for it hardly ever will be the caſe, that witneſſes will come before a court with a ſtory that will be falſe throughout; Harvey went with this man to the houſe of Peter, he knocked; he was anſwered by a woman from above, and he got into the houſe; Peter was not to be found there; then Harvey went away; he went to a public houſe; he had not an idea of miſſing in this public houſe the perſon he went to look for; but as he was drinking a glaſs of liquor at the bar, Lockell, the profecutor, from without, called out to him, conſtable, conſtable, there goes Peter; there had been a man that left the houſe merely on the arrival of Harvey, whether it was or was not Peter, I am not able to produce to you, more than the aſſertion of Harvey; Harvey thinks that man was the perſon; Lockell calling out to him, he neceſſarily followed; a chace took place; ſome times he had him in view, and ſome times he loſt ſight of him, but as the man was going towards the houſe of Goodman, Harvey took hold of him; Harvey's evidence ſay this, that he took the priſoner Newberry within ten yards of his door, but the evidence of the witneſſes in oppoſition to this ſay, that Mr. Harvey did not take Newberry within ten yards of the door, but in the very houſe; now, how could it have entered into the mind of the man before you, that ſuppoſing there was a difference, ſuppoſing the fact to be, (which I deny) that he was taken in the houſe, and that Harvey had ſaid he took him within ten yards of the door, could it have ſuggeſted itſelf to a mind like his, that any materiality would have depended on that part of his teſtimony? Does it ſtrike you ſo? Here are two or three perſons committing a robbery, and immediately one of them is purſued, not the leaſt doubt of the perſon, the profecutor ſwearing poſitively to his having committed the crime, and by the bye, ſuppoſe I ſay one word, as it is fair here, upon the ſuppoſed guilt of theſe (w)

men

men that are now luckily pardoned; if the evidence of Lockell or his ſtory had gone to complain of one man only as taking this property, I ſhould have thought it fabricated, but when Lockell ſpeaks of two men doing it, either of whom might have proved himſelf at a different place, I ſhould preſume there is a ſtrong reaſon to ſuppoſe Lockell is not haſty in his opinion of theſe two men; his property was not much that he loſt; he was extremely ill uſed; he was bleeding; they call you evidence to that, and that little boy ſaid his face ſeemed as if it had been ſcratched by women; that circumſtance convinced me that I had very little to expect from the ingenuouſneſs of a boy ſo young; he ſays he is eighteen, perhaps he may, I am ſure he poſſeſſes the craft of eighteen; but, however, now to return to the ſituation of Mr. Harvey: in taking this man within ten doors, what could have induced Harvey to have ſaid more to the Court than that he took the man in cuſtody; could it have appeared to him to be a material diſtinction, whether he had taken him within ten yards or ten feet, or in the houſe? But I am to call witneſſes to you in ſupport of that ſtory that Mr. Harvey has told, and as to the witneſſes on the part of the proſecution, I would recount their contradictions, if it was not that the extreme ingenuity of the learned Recorder will, I am ſure, amply ſupply that defect; certain I am, however, that the boy is materially contradicted by the father; certain I am that the boy is materially contradicted by Mrs. Milledge, and it ſeems to me as if the only evidence I had to apprehend the leaſt poſſibility of danger from was the evidence of Mrs. Brookes; for, I rely entirely, as to the other witneſſes, on the obſervations which I am ſure will be made by the learned Recorder. Mrs. Brookes ſtanding up here, ſeeing her called on their part, I thought her a decent looking woman, coming with a child in her arms, I thought there would be more regard to truth; and altho' I obſerved confuſion, I thought it did not ſignify: but, gentlemen, when I call your attention to the circumſtance of the caſe, I am bold to ſay that her evidence cannot be true, if much of that evidence which has preceded it be true; therefore, wherever there are contradictions as they cannot be both true, the ſafer way I take it, is to reject ſuch evidence entirely; if the evidence of Goodman be true, the evidence of Brookes is not true; if Brookes's is true, Goodman's is not true; the ſafer way, and that which has always been taken, as I conceive, by every Jury, is, to reject that teſtimony entirely; and therefore when I recur to this, that Harvey acted merely in his duty, and if he is here proſecuted without great foundation, deſerves the compaſſion of every man in Court; when I ſay he has interfered only in his duty, and there cannot be any poſitive motive aſſigned to him, except that one of the reward; and when you take into your conſideration the probability which yet remains of this robbery's being committed in fact; I ſay you will attend carefully to the evidence; I ſay you will diſpaſſionately attend, never preſuming guilt, always intending innocence, careſull to give weight to the evidence laid before you, but not to let it haſtily involve a man in guilt. On the other ſide, the evidence I ſhall lay before you on the part of Harvey will be extremely ſatisfactory as to the beginning of this buſineſs; afterwards I ſhall lay before you in evidence, a character, which I am ſure ought to have, in a caſe like this, the firſt weight; not that it will be neceſſary as I think for your verdict, but that he may return with honour and credit to his neighbourhood. I have the ſatisfaction of ſeeing a proſecution like this fairly contradicted and reprobated. The Recorder has with great liberality and ingenuity inveſtigated this buſineſs, and he is ſtill to lay before you the reſult of that teſtimony; I perſuade myſelf that an equal attention will be paid to our witneſſes, and I wiſh it ſhould; if any of my witneſſes ſhould deſerve a ſeverity of treatment in croſs examination, or if there is any ſuſpicion of their veracity, I wiſh they may go under every poſſible trial; but if you think ſo, the ac-

quittal of Mr. Harvey may perhaps lead to ſome inveſtigation of the author of this buſineſs.

WILLIAM MEREDITH *ſworn.*

I live at Limehouſe corner, at the King's-Arms, the Pink is higher up; I do not know Peter Goodman; I know Vine-ſtreet; my houſe is about a quarter of a mile, or not quite ſo much; I know Mr. Harvey; I remember the evening that Lockell complained of a robbery, it was about eight, Mr. Harvey came into my houſe and called for a glaſs at the bar, I went into the bar to ſerve him, he came in by himſelf, I filled the glaſs for him, and he walked into the tap-room, and in came the old Penſioner, and he told me he had been robbed, and had like to have been murdered, and he had a handkercief or a rag to his head, and that was all bloody, but where it came from I cannot ſay; Lockell aſked me if I would give him a glaſs, I gave him a glaſs and he went out, then Harvey came up and drank his glaſs, and went out after Lockell, and he was leaning on a poſt, and he called out Conſtable, Conſtable, Officer, Officer, there goes Pedro the rogue who robbed me, and tried to murder me, there he goes; Pedro he called him.

What did Mr. Harvey do upon that?—He went up the ſtreet out of my ſight, it was dark; he went directly after him, he run towards Fore-ſtreet, that leads up Fore-ſtreet; Ropemakers-fields is on the right, there is a paſſage that leads up Fore-ſtreet into Ropemakers-fields; I heard nothing more.

What condition was this poor wretch in?—His handkerchief or whatever he held to his mouth, was all bloody, and he ſaid there had been ſome blood taken from him.

Mr. Morgan. He was on the other ſide of the ſtreet when you ſaw him?——Yes.

Then the man called out Conſtable, Conſtable?——While the man was going up the other ſide of the ſtreet, Harvey and me came to the door together.

Court. You ſay that after the old ſoldier went out he called out as you told us, and was leaning againſt a poſt?——I went with Harvey to the door, I ſaw a man on the other ſide of the way, I did not know Newberry then.

Was there any man in your houſe that went out after Harvey and Lockell came in?——I cannot ſay.

Were there other people in the houſe?—There were ſeveral people in the houſe; twenty people may go in and out while I am in the bar.

ANN HOLT *ſworn.*

Do you remember the evening of the robbery?——Yes; I live in Fore-ſtreet, Limehouſe, I cannot recollect the day, I remember an alarm, I ſaw Mr. Harvey take a man in Vine-ſtreet, but whether that was the man or no I do not know, it was the evening that I heard the noiſe, I cannot ſay what noiſe it was.

Court. Give an exact account of all you heard and ſaw?—I know nothing at all of it, but that I ſaw him take a man in Vine-ſtreet; I recollect nothing that I heard beſides.

Where were you?—I cannot ſay whereabouts I was, I ſaw Harvey take hold of a man.

Was it near the houſe?---No, it was near a pump.

Did not your curioſity carry you a little further than that?——No Sir, my buſineſs called me away.

Were there many people about in the ſtreet?—There might, I cannot ſay.

Do you know Newberry?——No.

Do you know his perſon?——It was dark, he came to our houſe three days after.

Mr. Garrow. Once in your lifetime you ſaw Mr. Harvey take up a man in Vine-ſtreet?——Yes.

Let me pay you the ſame compliment my learned friend has paid moſt of our witneſſes; where did they pick you up for a witneſs, you are a notable one?——I was ſubpœned.

When?——The 20th of September.

Who firſt applied to you?——The ſubpœnea was brought to me, I was ſurpriſed.

I rather ſupect that, you know that is no anſwer.

anſwer to my queſtion; who firſt applied to you to be a witneſs for Mr. Harvey;——I know nothing at all about it.

I aſk you upon that oath that you have taken, who firſt applied to you to be a witneſs for Harvey?—No body at all.

Who ſubpœnaed you?—A boy brought it to me.

Do you mean to ſay that before that you had not talked to anybody on this ſubject?——No, Sir, nobody at all had adviſed me on the ſubject.

Did I aſk you about advice?—Nobody at all talked to me, I did not tell any body at all, I was not applied to at all to be a witneſs.

You have ſenſe enough to anſwer the queſtion, do you mean to ſtate to the Jury, that without anybody having applied to you, and without your having applied to any body, you are come to be a witneſs for Harvey?——I told no ſtory, that is the true ſtate of the caſe.

Court. Do attend a little to the nature of the queſtion, it is not whether anybody made any improper application to you to be a witneſs, but the meaning of the gentleman's queſtion is this, how came Harvey or anybody concerned for Harvey to know that you could ſay anything upon this ſubject?——I do not know, I very likely may have ſaid ſo, upon my honour I cannot tell you, I never troubled my head about the buſineſs, Mr, Harvey might have ſeen me there.

Mr. Fielding. Did not you ſee him there?——I ſaw him, but I do not know whether he ſaw me or not.

Court. Cannot you fix the time when you ſaw this?—I cannot ſay.

What month was it in?—I cannot ſay.

Is it a twelve-month ago, or is it two years ago?—I am ſure I cannot tell you, I dare ſay it is not two years ago, but I cannot ſay how long ago it is.

Cannot you tell no nearer than that, can you tell whether it is ſeven years or a week?——I cannot ſay, there was a piece of work or a noiſe in the ſtreet on that night.

Court. Then your evidence goes for nothing at all.

What was the noiſe about?—I cannot ſay.

Did you hear anything about it?——It was not ſo long ago as ſeven years, but I cannot ſay when it was.

Mr. Fielding. Where do you live, young woman?—In Fore-ſtreet, Limehouſe.

Who with?—With my father and mother.

What countryman is your father?—He is a Dane.

Was your father willing you ſhould come here to day?—Yes, if he had not I ſuppoſe I ſhould not have come.

Did not you tell Mr. Harvey that very evening, that the very man he afterwards took hold off, was Peter?—Me! no, Sir. I did not.

Will you call God to witneſs, girl?—I did not, no, I did not, I would not wiſh to tell a ſtory for any man living.

Court. You have heard the oath, it is to tell the truth, the whole truth, and nothing but the truth; now if you anſwer to any queſtion, and ſay you do not know it when you do, it is perjury?—I ſay, I do not know what that gentleman aſked me.

Was this that you ſaw three days ago, or three years?——I am very ſenſible it is more than three days.

Was it ſo much as three years?——I do not think it was.

Was it two years?—Upon my honour I cannot ſay.

Upon your oath are not you ſure it was leſs than two years ago?—I do not take my oath at all about it.

But you muſt take your oath upon it, are not you ſure that it was within theſe two years?—I do not know.

If you do know, I only tell you that you are perjured, and liable to be puniſhed?——But I do not know.

Court. Go about your buſineſs.

Mr. Fielding. Ah! go about your buſineſs.

WILLIAM GOODWIN *ſworn.*

I live at Limehouſe, No. 90.

Do you live with you father?—No.

With

With who?—With Mr. Wilſon, a hair-dreſſer.

Do you remember the night when there was an alarm of an old man being robbed?—Yes, there was in January.

Do you know Harvey?—I ſaw him at the Black-horſe, in the middle of Fore-ſtreet, he was running along, I follow-ed him into Vine-ſtreet, I cannot tell how far.

What did you ſee him do there?—I ſaw him take a man whom I believe to be Peter Newberry, I did not know him, but the laſt witneſs Ann Holt ſhewed Newberry to Harvey, then Harvey took him.

At this time had Newberry got into a houſe?——No, Sir.

It was in the ſtreet then where Harvey laid hold of him?——Yes, Mr. Harvey took him by the collar, and led him to a man that was leaning upon the noſil of the pump, which was the proſecutor, he aſked him if that was the man he wanted, he ſaid that was Pedro.

What did Harvey do with the man after this?——He took him to Mr. Wetton the conſtable.

Now little man, if you are not poſitive ſpeak it, are you ſure that Harvey, when Miſs Holt ſaid that perſon was Peter, took hold of him in the ſtreet before he got into a houſe?—Yes.

Did you go down with him to the con-ſtable?——Yes.

Did he ever eſcape from him again?—No, not till he put him in the watch-houſe.

Mr. Morgan. How long have you known Peter Newberry?—I did not know him, I have never ſeen him ſince, this was towards the latter end of January.

How came you to take ſuch particu-lar notice of it?—Becauſe it was on Wed-neſday night, and my maſter was at his lodge, a freemaſon's lodge, they meet once a month.

You cannot ſay the day of the month?—The young woman told Mr. Harvey that was Pedro.

How came ſhe to tell him that?——I do not know.

Where was the man?——Leaning on the noſil of the pump in Vine-ſtreet.

How far was this young woman from the man?——She was cloſe to him, cloſe to Newberry.

How far from the old man that was lean-ing on the noſil of the pump?——I can-not tell.

Had ſhe any converſation with the old man?——Not that I have heard.

Newberry was ſtanding ſtill when the young woman pointed him out?——He was ſtanding ſtill, and Harvey came directly and took him.

She and the young man were cloſe toge-ther, ſhe and Peter, and ſhe told Harvey that was Peter, and he took him directly?——Yes.

Had they been talking together, the old man and her?—No.

Now tell me how this young woman came to know that Harvey wanted Peter?—I do not know.

Court. Had there not been an alarm that the old man had been robbed?—I had not heard it.

Court to Ann Holt. Together with this boy, now madam, will you tell me now whether this was not in the month of January, now your memory is refreſhed?—It may be, I cannot ſay.

Do you know who the man was?—No, Sir.

Did not you upon your oath tell Harvey that was the man?——I did not tell him, that was the man upon my oath, I would not take a falſe oath.

Nor you never ſpoke to him at all?—No, I did not indeed, I only ſaw Mr. Harvey.

Court to Boy. Is this the young woman that told you?——Yes.

Are you ſure of that?—She ſaid to Mr. Harvey, that is Peter.

Ann Holt. I really did not indeed, up-on my oath I did not, I did not, indeed I did not ſpeak a word.

Mr.

Mr. Garrow. I underſtood you that you did not know Newberry at all?——I really did not know him, indeed.

Nor you did not know his name was Peter?——No, Sir, I never ſaw the man in my life, nor did not know his name.

Did hot you ſay that you had ſeen a man ſince, who you was told was Peter Newberry?——I ſaw him after he came clear, but never before.

Did you know the man before he was taken up?——No, Sir, I did not, indeed.

Mrs Fielding. Young woman, did you hear anybody ſay any thing about this being Peter?—I do not recollect any thing about it, I did not ſay a word about it.

Witneſſes to the Priſoner's character.

ARMON HILL *ſworn.*

I believe you are a ſhip-builder?—Yes, I live in Limehouſe, I have known Harvey, the man who ſits there, eight or nine years.

Be ſo good as to inform the Court, and the gentlemen of the Jury, what your opinion is of his character?—I look upon him to be a very fair character; a very honeſt ſafe man of a night, and a very diligent ſober man, and the only ſafeguard of the pariſh of St. Ann, Limehouſe, of a night.

Mr. Garrow. The uſual queſtion is, what his general reputation is?——A very good one, I never heard any thing againſt him.

——— LYNEY *ſworn.*

I know Harvey very well.

What is his general reputation and character?——An honeſt juſt man, I never heard any thing to the contrary.

Mr. WOTTON *ſworn.*

I live at Limehouſe, I have known him ſeveral years, but about a year and half more intimately; his reputation is a very induſtrious, honeſt, ſober man; and I look upon him a very uſeful man.

Mr. WARREN *ſworn.*

I have known him theſe ten years, a very good character, a very ſteady, honeſt, ſober man.

Is his general character that of an honeſt man?—Yes.

The Rev. Mr. YOUNG *ſworn.*

I have known Harvey ever ſince the ſummer of the year 1777, I never heard his character impeached in the ſmalleſt degree: I myſelf have always entertained a good opinion of him, I have employed him upon many emergencies; I ſpeak to his general character; he has always been eſteemed to my knowledge an honeſt man.

JOHN STAPLES, Eſq; *ſworn.*

What is the eſtimate of Mr. Harvey's honeſty?—A very good one.

Harvey. I have a great many more witneſſes.

Court. Certainly, as far as evidence has weight, we are to take this man's character to be a very good one.

Mr. Morgan. Gentleman, I ſhall only take up two minutes of your time; on behalf of the proſecution ſeven witneſſes have been called, who have ſworn poſitively to the man's being taken within the houſe, and that into that houſe he went a volunteer; ſome contradictions have ariſen, not very neceſſary for me to repeat, as the Recorder will make his obſervations very attentively and accurately, as he always does, which will (as they ought) have much more weight with him than any obſervations that can be made by me; only one obſervation ſtrikes me, which is, that though ſeveral contradictions relative to trifling circumſtances have ariſen in the courſe of the evidence, they might be the effect of want of memory, not of deſign: after having ſaid that, let me advert to the evidence that has been called by the defendant, his character is as good as can be; however there are times when a man forfeits a good character; and, permit me to obſerve, that the evidence which he has called by way of defence amounts to nothing; recollect

in the first place, the evidence that he gave on the trial; now the evidence of the master of the publichouse is this, that he and Harvey walked to the door together, and I take it that had Peter been there, it was impossible but he must have seen him pass by him; whereas the master tells you, that he saw *this man*, who he says Harvey took on the other side of the way; and his other witnesses flatly contradict each other: Gentlemen, this is the case requiring a great deal of your cool deliberation which I am sure you will give it, if you are satisfied that the prisoner is not guilty, you will acquit him; if you are clearly convinced of his guilt, you must be under a necessity of convicting him.

Court. Gentlemen of the Jury, this trial has taken up a great deal of your time and and attention; but not one moment longer than justice requires; for you have been called upon this indictment to decide upon as important an enquiry as can well come before a Jury and Court of Justice: the prisoner is indicted for perjury; a crime in itself, and under all the circumstances, where it is wilfully and intentionally committed, with a corrupt intention, of very great magnitude; a crime that cuts up by the roots the only bond of confidence that can subsist between man and man; and the only security that we can have for the due administration of justice both between party and party, and between the public and those that are accused of the crimes; but if a perjury of itself, is a crime of such magnitude, when we consider the circumstances under which the present defendant stands charged with that crime it raises it to a height still greater; for the perjury that is charged against the defendant, is stated to have been by him committed upon the trial of two men for a capital felony, and the evidence given against these men, is charged to be false, and to have been knowingly and corruptly given; and therefore if that is true, the whole catalogue of crimes does not contain one of greater enormity, for though in the denomination of law, such an evidence, if the event of it should be to take away the life of an innocent person, does not come under the legal description of murder; yet, in point of malignity, it seems to be a murder of the foulest die. The question therefore for you to decide this day is, whether the defendant has in defiance of the laws of God and man, committed in the face of his country, knowingly and corruptly, a perjury, with a view to take away the lives of two innocent persons; or whether an innocent man having appeared for the sake of public justice on a former occasion, stands charged with a crime of so much enormity; you therefore will not grudge your time and attention in this enquiry; it has been stated to you in the opening of this business, that from persuasion of the falsehood of the evidence given on the trial of two men, Newberry and Iverson, they have since, upon great deliberation, and with the intervention of those concerned in a judicial capacity, obtained the King's pardon for the offence: the first part of my duty therefore is to tell you that you ought to lay that out of the question; and not to let it make the smallest impression on your minds, for there might be just and wise reasons for that pardon, without the smallest imputation on the truth perhaps of all the witnesses, but certainly of Harvey's testimony; for though his evidence was necessary, yet the truth of that evidence is perfectly consistent with the innocence of both the prisoners; and that that circumstance may be wholly erased from your minds, I think it right to let you know that a conviction of truth or falsehood of Harvey's evidence never came under consideration, when that pardon was the subject of deliberation, but it arises from circumstances in which the account given by Lockell, with respect to himself and his own situation at the time, threw such a suspicion on *his* testimony, that it was thought unsafe to run the risque of executing two men on the evidence of a single witness, who stood impeached and con-

contradicted: you, gentlemen, are called here to decide, whether the defendant has ſworn falſely in the evidence he gave on the trial, and if he did, whether it was done with a corrupt intention: the latter queſtion, which is always the material one to conſtitute the crime of perjury, will depend on your attention to the nature of the cauſe, and of the evidence given, and I will therefore ſtate to you, from the indictment, the evidence which Harvey has now been proved to have given on the trial of Newberry and Iverſon.

(Here the learned Judge repeated the evidence as read by the Short-hand Writer.)

Now, it is manifeſt, that the effect of this evidence at the time was to ſhew a conſciouſneſs of guilt in Newberry, and to confirm the teſtimony of Lockell, for the ſum of the evidence of Harvey was, that when he went in queſt of Newberry, Newberry ſlipt out of the public houſe when he ſaw the proſecutor come in, and that he actually ran away from him, and eſcaped, and that he actually took him at ſome ſmall diſtance from his lodgings; the effect of that evidence was to ſhew, that Newberry fled from juſtice, which is always conſidered as a circumſtance of guilt; then the indictment charges that the evidence was falſe; that he did not run after him at all, nor did he run away; that he did not keep running, or go into a little alley; and that he did not take Peter about ten yards from his lodgings, but, in fact, he did take him in cuſtody immediately on his coming *into* his lodgings; now, the evidence given by Harvey on the trial being material in the light I have ſtated to you, if you believe it to be falſe, it is difficult to ſuppoſe that he could have been miſtaken, for it was a fact within his own knowledge, and which it was his particular duty as a conſtable to attend to, therefore if it was falſe, and if, inſtead of purſuing him, and taking him in the ſtreet, he never, in fact, purſued him, but took him in his lodgings; Harvey muſt have known it was falſe, and if he did, I believe you will not find much difficulty in concluding, that a perſon, who knowingly gives falſe evidence againſt a priſoner, muſt neceſſarily do it with an evil and corrupt intention: the principal queſtion therefore for you to decide in this caſe ſeems to be, whether the evidence given by Harvey upon this trial was true or falſe; for if falſe, the nature of it ſeems to leave very little room to doubt that Harvey muſt know it, and give it with a corrupt intention; but if it was true, he is an innocent man: the principal queſtion is therefore this, and that upon which the preſent trial turns, whether you believe, on the whole of the evidence, that he took him in the ſtreet, or that he took him in his lodgings? for the ſtory told on the part of the preſent proſecution certainly does, inſtead of ſhewing the conſciouſneſs of guilt in Newberry, ſhew the direct contrary; that Harvey being ſearching for him at his lodgings, he went home to thoſe lodgings voluntarily, into the very hands of the people that were in queſt of him; and that, in that very houſe, Harvey being in queſt of him, took him; a great number of witneſſes has been called, moſt of whom have poſitively ſwore to the fact, that Harvey did take Newberry in his lodgings, and not elſewhere; but in ſwearing to that fact, they have been called upon to ſtate the circumſtances; and it is one of the principal advantages in the mode of adminiſtering juſtice in this country, that the examinations of the witneſſes are publicly conducted in the preſence of the parties themſelves, their counſel and agents, as well as the courts of juſtice, ſo than an opportunity is given of not reſting ſatisfied with ſwearing merely to a fact, which, if the depoſitions were taken in writing, he might do, but there is an opportunity of enquiring into all the caſes attending that fact, in order both to judge of the probability and conſiſtency, and to compare that teſtimony with thoſe circumſtances, and with the evidence of other witneſſes examined to the ſame fact; and it is not becauſe one or two, or ten witneſſes, poſitively ſwear to a par-

ticular

ticular fact, that a Jury are bound to rely on that evidence, on the contrary, they are called upon to exercise their own underſtanding, and apply it, and ſift out the truth by the compariſon of the teſtimony of the different witneſſes, and by an attentive conſideration of the evidence that has been related; you will therefore judge for yourſelves upon the whole, which of the two facts you believe, to wit, that this man, Newberry, was taken in his lodgings or in the ſtreet. The firſt witneſs called is Chriſtian Goodman, a young looking lad, and his evidence is, that Lockell and Harvey came to the door of his father's houſe, and knocked at the door; that his mother opened the window, and aſked what was the matter; and upon their telling her they wanted Peter, but not what for, ſhe came down, and opened the door for them, and that after going into the houſe, they went away again; and that when they did go away he himſelf knowing where Peter was gone to, went to tell him that theſe people had been after him to take him up, and to adviſe him to keep out of the way, that he met Newberry a ſhort way from the houſe and he gave him that advice, but he truſting in his own innocence would go home; the witneſs went home with him, Lockell and Harvey were returned to the houſe, and took Newberry as ſoon as he came into the houſe, ſo that by his account they were twice in the houſe, and had gone away in the intermediate time, and he had taken the opportunity to go and apprize Newberry that they were in purſuit of him; in order to ſift the matter more fully, he was much further croſs examined, and the firſt enquiry will be how far the account he gave on his firſt examination is confirmed or rendered probable by his own teſtimony on croſs-examination; the next enquiry will be how far it is conſiſtent with or contradictory to the evidence of the other witneſſes, on the part of the proſecution, he ſaid the door of the houſe was quite open, and added, their door always ſtood always open; he deſcribes himſelf as going out to look for Peter, and his meeting him within not more than the length of this Court off his own door, they not ſtopping or going anywhere elſe, but returning directly back, but he ſays that Harvey and Lockell came twice, and that they went after the firſt ſearch to a public houſe, and were come down again and near the bottom of the ſtairs when he came back with Peter Newbery; now it is ſcarcely poſſible that this account can in all theſe circumſtances be correctly true, for if they came twice, and went up ſtairs with a view of ſearching for them; and his father went with them to the public houſe their enquiries there, their return, their going up ſtairs again to make a ſecond ſearch, and coming down again, all muſt have paſſed according to his account, within the time that the witneſs would be walking the length of this Court: when he firſt ſaid the door ſtood always open, I dare ſay it would not ſuggeſt to your minds that it was latched, and if it ſtood always open Lockell muſt have known it, and therefore would not knock at a door which he knew was always open. The evidence of Stones does not very materially differ from the account given by the boy, he ſpeaks only to the laſt time of Lockell and Harvey going into the houſe, he rather increaſes the time, he ſays on his croſs-examination that Peter came home by himſelf, and ſhoved the door open with his left hand; Goodman the father ſwears that the boy was up ſtairs till he came back from the Pink, and then he went down ſtairs, and was abſent a few minutes; it is very remarkable that the evidence of the father, whoſe knowledge if they were relating a true fact, would be more likely to coincide with the ſon than other witneſſes, is more directly contrary to him than any other witneſs, he deſcribes the time between the firſt and ſecond ſearch very conſiderable, he makes it from a quarter of an hour to twenty minutes between the firſt time of their coming and the time of their apprehending Newberry; but he directly contradicts the evidence of the boy. The ſtory therefore of the father and the boy cannot both be true: by the account of Reynolds,

nolds inſtead of their coming and enquiring for Peter without alarming the houſe, there was an uproar about a robbery, the man talked about his money, ſo that the idea ſuggeſted by his evidence, and that of the father and the ſon, who ſwore he only gueſſed they wanted Peter, is extremely different. The boy mentioned nothing of Peter's ſtopping at the ſide of the door to liſten; Brookes alſo contradicts the boy; the boy ſays they were upon the ſtairs near the bottom of the ſtairs, when he and Newberry went in, and that he ſaw them the moment he came to the door; the other witneſs, Mr. Stones, ſays, they were in the lower room, and this Mrs. Brooks ſays they were quite upſtairs out of ſight when Peter came, and that they did not come down ſtairs til. Harvey was called down; another important contradiction is, that if theſe men came but once, the whole ſtory told by the boy and the father, which is ſo contradictory in every other reſpect, muſt be a fabrication as to the twice coming; here are ſeven witneſſes on the part of the proſecution, who all poſitively ſwear, that the man was taken in the houſe, but in relating the circumſtances under which he was taken, it is hardly poſſible to conceive greater variety in the examination of witneſſes, or in the different parts of the examination of the ſame witneſſes. You are to judge whether you think theſe contradictions could occur in a ſtory hat was abſolutely true, whether they ariſe from witneſſes ſpeaking to different facts, or whether they ariſe from witneſſes coming to ſpeak one fact, and not being prepared for queſtions that they have been forced to anſwer, you will judge. The general obſervation is with reſpect to the propriety of the whole ſtory, whether it is likely that this man Lockell, in ſearch of a man, truly or falſely, that he ſaid had robbed him, ſhould go and knock at a door he knew was open. No obſervation can ariſe againſt the defendant from the evidence of Ann Holt, but if it did make any impreſſion, it muſt be the other way; there are witneſſes who are called to confirm the evidence originally given by Harvey at the Old Bailey; you are to judge whether you think it likely that a man of that character, for the mere hope of ſharing in the reward of blood, ſhould have been wilfully guilty of ſuch a crime; you will take the whole into your conſideration; you will take the poſitive evidence and the contradiction, and whether that is to be imputed to the defect of memory or to fabrication; if you are ſatisfied that this is not a ſtory againſt the defendant, but that in point of fact the man was really taken in the houſe notwithſtanding all the contradictions of their evidence; in that caſe it is a crime of an enormous magnitude, and loudly calls for puniſhment. If on the other hand, you think that the circumſtances of the caſe, together with the evidence that has been called in ſupport of the teſtimony of the defendant, though not ſo numerous as the witneſſes for the proſecution, yet tell a ſtory more probable and conſiſtent in itſelf, and without thoſe contradictions which occur in the evidence for the proſecution, in that caſe you will find a ſatisfaction in acquitting the defendant, and reſtoring him to that credit which he has formerly enjoyed, and it is to be ſure a moſt painful conſideration, on the one hand, that a man of an extraordinary character ſhould have been for a very ſmall temptation, guilty of a crime of the blackeſt die; or that on the other hand, a moſt wicked conſpiracy has been framed falſely to accuſe him of that offence.

The Jury retired for about ten minutes and returned with a verdict.

NOT GUILTY.

Court. Gentlemen of the Jury, I am to thank you for the very great attention you have paid in the courſe of a long and intricate inquiry, and I moſt entirely concur with the verdict you have given, as it is perfectly conſiſtent with my opinion.

Tried by the third London Jury before Mr. RECORDER.

The Seſſions being ended, the Court proceeded to give Judgment as follows:

Received ſentence of Death. 25. *viz.*

John Hayes, George Reynolds, Joſeph Banning, James Connell, William Lawes, James Duncan, James Rowe, George Nugent, William Burke, William Barnes, Richard Silveſter, otherwiſe called Jack the Gardener, Amos Rowſell, James Moſdell, James Lewis, William Hayward, John Clayton, otherwiſe called Paddy Oyſter, William Moore, Thomas Browning, Thomas Winderbank, John Aſhborne, Joſeph Wood, Benjamin Howell, Patrick Coffel, William Beer, John Lloyd, otherwiſe Jones.

Tranſported for ſeven years. 57. *viz.*

Alexander Elder, Thomas Smith, (to Africa) Thomas Mead, Francis Greome, Elizabeth Dalton, John Bloomberg, William Fox, William Hughes, Cornelius Collins, Joſeph Newland, Joſeph Jackſon, Francis Sanders, William Richardſon, Charles Clark, (Africa), Jane Creek, Joſeph Merchant, John Thompſon, James Laurence, Thomas Broome, John Harris, William Deadroſs, (Africa), John Brown, John Goddard, Martin Stephens, Thomas Brownett, John Brentwood, Robert Chambers, John Dixon, James Horton, Samuel Poole, John Farmer, Thomas Blackhall, William Gray, John Brown, John Myers, George Spoonley, John Lewis, Thomas Tipping, William Harborne, John Dixon, Thomas Probart, Edward Davis, James Randall, alias Richardſon, Jane Langley, Mary Finn, John Wilſon, George Sando, John Hicks, James Lynch, Robert Spencer, George Davis, Abraham Dawſon, Thomas Underwood, John Marſhall, Robert Cane, William Goldſmith, John Caſs.

To be confined to hard labour twelve months in the Houſe of Correction. 6.

Lydia Kenneley, Harriet Miller, Iſabella Hall, Ann Gibſon, Sarah Blackburn, Thomas Lewington.

To be confined to hard labour ſix months in the Houſe of Correction. 20.

Mary Freelove, Robert Holmes, Elizabeth Bland, William Simmons, Thomas Harriſon, John Clark, James Miller, Hannah Dart, John Neale, Martha Fiſher, Sarah Cooper, Michael Young, John Dixon, Mary Parker, Henry Shepherd, Mary Hymer, Richard Marney, Jeremiah Murphy, Stephen Thomas, William Cunningham.

To be impriſoned three years in Newgate. 1.

Roger Sweetman.

To be impriſoned ſix months in Newgate. 1.

John Fray.

To be impriſoned three months in Newgate. 1.

William Stitt.

To be Whipped. 18.

John Harris, (twice) Charles Cooper, (twice) William Maſon, William Hands, Thomas Froſt, John Beeſton, John Mills, (twice) Alexander Bell, James Miller, Terence Tiney alias Terry, Walter Kelly, John Auguſt, Richard Marney, Jeremiah Murphy, Stephen Thomas, Thomas Lewington, Roger Sweetman, (twice) Michael Bradley.

Fined

Fined 1s. 6.

John Fray, Timothy Brian, John Richardſon alias Richmond, Eleanor Armſtrong, William Stitt, William Cunningham.

Fined 6d. 1.

Iſabella Hall.

William Hill, otherwiſe Michael Nowland, James Grimes, otherwiſe James Macauley, and Michael Andrews, otherwiſe Michael Mac Nally, brought into cuſtody of the keeper of Newgate by *habeas corpus* from Shepton Mallett, charged with felony on the high ſeas, remain till the next Admiralty Seſſion.

John Myles, a capital convict in February Seſſions received his Majeſty's pardon, on condition of being tranſported for life.

William Mitchell, for high treaſon, remains till next Seſſions, being ſick.

Sentence reſerved on George Baillie.

*** The next Seſſions will begin on Wedneſday the 19th day of October, at the Old Bailey.

Trials at Law, Arguments of Counſel, &c.

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THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*;

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE PROCEEDINGS UPON THE KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable RICHARD CLARK, LORD MAYOR of the City of London; the Honourable Sir GEORGE NARES Knt. one of the Juſtices of his Majeſty's Court of Common Pleas; the Honourable Sir JAMES EYRE, Knt. one of the Barons of his Majeſty's Court of Exchequer; the Honourable JAMES ADAIR, Recorder of the ſaid City; and others his Majeſty's Juſtices of Oyer and Terminer of the City of London, and Juſtices of Gaol Delivery of Newgate, holden for the ſaid City and County of Middleſex.

London Jury.	*First Middleſex Jury.*	*Second Middleſex Jury.*
Jonathan Key	Samuel Hall	William Arnold
Edmund Woods	Thomas Kindleſide	Jacob Dinning
Robert Ballinger	James Mann	Lacey Punderſon
John Treacher	John Davis	Thomas Hodgſon
Thomas Moore	William Green	Thomas Godſall
Charles Heath	John Young	Edward Kitchin
Edward Quiddington	Thomas Brooks	Thomas Lacon
William Paſhley	Richard Aſheldie	William Fox
John Hadfield	David Whitaker	Stephen Beck
George Gibſon	James Rutherford	Richard Baker
Henry Jones	Anthony Strother	John Giles
Joſeph Beardmore.	Peter Clunn.	Phillip Belton.

910 RICHARD PAYNE, CHARLESON MOLLOY, and SARAH JOHNSON were indicted for feloniouſly ſtealing on the 29th day of September laſt, two jars, value 2s. three gallons of copal varniſh, value 3l. and five gallons of gold ſize, value 4l. the property of Allen Wall.

ALLEN

ALLEN WALL *sworn.*

I am a varnish maker.

Did you know the prisoners at the bar?—I saw them at the Rotation Office.

They were not employed under you?—No; I was sent for last Friday evening to the Rotation Office, in Litchfield-street, there I found two bottles, which with the contents, I believe to be my property.

JOHN MEADOWS *sworn.*

I work with Mr. Wall; on the 28th of last month I filled a pot of japan gold size, on the 29th I bottled it off, I locked the door on the 29th day, about six, or a little after, I shut it up for the night, and when I returned the next morning, the 30th, I found the lock picked and the door open, and two bottles gone, and a copper pot, I missed two jars, one with five gallons, with gold size, and one with three gallons of gold varnish; I am sure as to the quantity that was put in; on the 29th I made this bottle, and one Philip Gunter made the other, and he is ill.

Prosecutor. I can swear to that myself, it was made by Philip Gunter, a man that has been in my employ for many years; he is at present ill, and has been for some time; I can swear positively to that, it has been made within a year and half, but I cannot swear positively to the contents of it at that time; I have a manufactory where I make varnishes and gold-size, which are sent to town in carts as they are wanted, this was a part of my stock, it never came down to Long Acre; I never saw it till I saw it at the Rotation Office; the other bottle was in my melting house at Marybone, they were both stolen from there; I know this to be copal varnish, I saw it within two months.

DENNIS M'DONALD *sworn.*

I went to search a house in Cros-lane, Saint Giles's, where the three prisoners were in a room, one of them, the prisoner Payne was blowing the fire, the other man came in and said the room was his, and the woman came in and said she found these two bottles, I asked her how they came there, she said she found them in the house, at the bottom of the stairs. Molloy said he knew nothing of them, but they were in the cupboard in the room, which he said was his room, I spoke to Payne and he made me no answer.

WILLIAM PICKERING *sworn.*

I went with M'Donald to search this house, and I was in the upper part of this house, and he called to me to come down to him, and I went into the room to M'Donald and there were these two bottles; the prisoner Payne was blowing the fire, and the woman came into the room, and M'Donald asked her where she got them, and she said that was going out early one morning to go to market, and she found these two bottles concealed under the stairs, when the man that goes for her husband, that is the prisoner Molloy, came in.

Prisoner Molloy. I *habits* with her my Lord.

Pickering. He said he knew nothing of the bottles, nor never saw them till the day that he found them. She did not say when she found them.

What day was this that you searched?—On Friday last the 14th of October, they were both full as they are now; I heard Payne say nothing.

What sort of a house was this?—I believe it is all in different tenements.

Was there one bed or two in the room?—One bed.

Court to Mac Donald. Who was in the room when you took them out of the cupboard?—Payne only.

(The Bottles deposed to)

What was the value of them?——Seven pounds.

CHARLES YOUNG *sworn.*

I was with the two last witnesses on Friday the 14th: I had been searching the two-pair of stairs room at this house, and I met Molloy coming out as I went into the house first; then I came down to the door, and M'Donald called me to come into Molloy's room, and I went up and saw these two bottles stand in the room; I did not see them taken out of the cupboard.

PRI-

PRISONER PAYNE's DEFENCE.

The prisoner Molloy was telling me of a job, and I came to see after it: I only just came up in the room about 5 minutes before, and this woman asked me to blow the fire for dinner.

Court to M'Donald. What time of day was this?——About 12.

PRISONER MOLLOY's DEFENCE.

I know nothing more of it, but on the Thursday that the good woman found it she told me of it on the Friday morning, and I told her to take it away, for it was nasty stinking stuff, and she said she would see if she could clear the jars out to keep water in: I told her nobody could drink out of them.

Court to M'Donald. Was you ever at these lodgings before?——It is a bad house, where all the thieves go to.

PRISONER JOHNSON's DEFENCE.

Last Wednesday morning, about four, I went out to go to Billingsgate; this is an open-house all night, the street-door is never shut, and I looked in the cupboard which I put my basket in; my basket was put out of the cupboard, and these two bottles were in. Sometimes boys get into the cupboard and sleep; I thought I would take them up stairs and see if any body enquired after them. When I came from market, I mentioned them to the woman in the next room; nobody enquired after them till Mr. M'Donald came.

Court. Is that woman here?—No, I said I would throw this stuff away, it was of no use to me, and I will try and clear the bottles: I said, perhaps, it was some painters stuff or other.

Prisoner Molloy. I have worked for my master eleven years; he came to the office.

Prosecutor. His master did give him a very excellent character, and said he had worked with him eleven years, and said he was a sober, honest young man.

JOHN ROWSON *sworn.*

I have seen the prisoner Molloy at the Play-house very often: I live with my brother, and we serve the houses with gold and silver laces, and I am at the play-house every evening, and have seen him there every evening; I never saw any harm of him; I always looked upon him as a very honest man; I have known him five or six years.

ALL THREE NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Justice NARES.

911. ROBERT SIMPSON was indicted for that he being in the dwelling house of one Gowen Crone, about the hour of one in the night, on the 27th day of September last, did feloniously steal therein, one waistcoat, value 5s. one shirt, value 3s. and 7l. 19s. 6d. in monies numbered, the property of Richard Beattie, and afterwards burglariously and feloniously did break out of the said house, in order to get out of the same, against the statute.

RICHARD BEATTIE *sworn.*

I live in Gold-street, near King-street, Wapping; I live in the house of one Gowen Crone, he is the landlord; I have a room there.

Does he live in the house himself?——Yes.

Are there any other lodgers in the house besides you?——Yes, two women live up stairs in the garret. I have the chamber.

When was you robbed?——The 28th of September last, I met with a man in Ratcliff-highway, in a cook's-shop, that was the prisoner, I went in to get my dinner, and he came in just after me and sat down and got his dinner, and I came out again, and just at the cook's-shop door, I saw two of my countrymen, and we went into a public-house to drink, the prisoner followed us to the public-house, and he called for either one or two pints of beer, my company and

and me were sitting together, and he was like to breed a quarrel with us, and he wanted to fight, and I said I would sooner drink with you than fight with you any time, so would I too, says he; we sat there till near the evening duse, then he would see us home, he was very good company, and he saw us home to our own apartment, there were two and himself were three, and I and my wife were five, and we drank, and were pretty merry, and he was very good company till I got a little groggy; then knowing the man, and he being in the house, and it drawing late, I laid down to get a sleep, then the prisoner begged to stay under the roof of the house, because he was locked out of his lodgings; I let him stay as he was a poor sailor like myself, to harbour him for fear any harm should come to him; when I awaked it was between three and four in the morning, and the man was gone, and the money, and my property, and my wearing apparel.

Where was the man when you went to sleep?—I will tell you, I had not a bed to put him in, but he said, never mind a bed, I can plank it, I have planked it many a time; I left him laying upon the floor.

Was any body else left in the room besides him?—Yes, one of the men that was along with him, that man fleet in the bed with me, my wife awaked me, the strange man was laying on the backside of the bed, I was laying in the middle, my wife was laying with her clothes on upon the bed, she put her hand under the pillow where she put her pockets, and they were gone, and the man was gone, and the money was gone; through the alarm I waked the man, and run up stairs to get a light, this other man that was in the bed put his hand in his pocket, and he said to me, Dick, all my money is gone; says I, it is fallen out in the bed, and I put my hand into my pocket; why, says I, all my money is gone too, so she came down, says I, what is the matter; Oh dear! says she, matter enough, the man is gone, and the money is gone; I missed thirteen shillings and sixpence out of my right hand breeches pocket, and I had only three shillings and six-pence in this breeches pocket that I was laying on, he could not get at that.

After you missed the money, did you look for the man?—I never had any thoughts to look for the man, what should I look for a man for that I never saw with my eyes before, my wife locked the door, bolted the door, and latched it; that is, it was latched first.

Did you examine the door, when you first waked, to see whether it was open or shut?—My wife did.

Did you lose any thing else besides your money?—Yes, a waistcoat, a flannel jacket that I had under my coat, and I have not another in the world, and a shirt, and when I took him he had my shirt on, the shirt and jacket were laid for him to lay on to keep him as warm as I could.

Where did you take the man?—In the Half-way-house at Stepney, I had intelligence on Thursday night about ten; I directly got up, and took him, and I took my garters off my legs and tied him, and I found my own shirt upon his back, with a name my wife clapped in with her own hands, the waistcoat was not to be found, nor the money.

Had you ever seen the man before?—Never with my eyes till I saw him in the cook's-shop.

Are you sure the man that you found at the Half-way-house was the same man that you saw at the cook's-shop?—Oh, I am sensible, would I go to fly or swear a false thing, my Lord, no, I would sooner die first.

You are quite sure?—I am sensible of it.

Court to Prisoner. Would you ask the witness any question?—If it is proper, when I am put on my defence I will.

MARY BEATTIE *sworn.*

I am wife of the last witness, I remember his coming home on the Tuesday night.

Was your husband in liquor or sober when he came home?——In liquor.

Who came home with him?——Two men and the prisoner besides my husband, they came home between eight and nine.

Had they any drink when they came home?——Half a gallon of beer the prisoner sent for, and half a gallon I sent for; the prisoner said there he only begged to be under shelter, he said he was locked out of his lodgings, and thought as he was a sailor he might get into harm; I went to bed about twelve.

Where was the prisoner?——He was fast in sleep, you might have heard him snore down at the bottom of the stairs, he was laying on on the board.

Where was your husband?——He was in bed; one was in bed, one man went away, and the other staid.

Do you recollect whether your door was fast when you went to bed?——I locked it, bolted it and latched it, that was the outer door.

What did you do with the key?——I left it within the lock on the inside.

What time did you wake?——Between three and four in the morning.

Did you find that you had lost any thing?——I put my hand under my pillow, where I laid, and I missed my pocket, which I had put under my pillow, I laid with all my clothes on but my pocket, stays and shoes; as soon as I missed my pocket, I said, Oh lass a day, and I waked my husband, I was afraid he would ill-use me, and I struck a light; my husband said, what, are you not well? what is the matter? Oh! matter enough says I, the money is gone, and the man is gone; I had six guineas and a half and nine and six pence in my pocket; I told it over before I went to bed, and the prisoner was snoring fast asleep.

What state did you find your room door in?——The door has a padlock on the outside, and locks on the outside; I fastened it on the inside with a case knife, and the case knife was taken away, I never saw it since, any body could open it on the inside, but not without, unless they broke the case knife in two.

When you went down stairs, how did you find the street door?——On the latch.

Was there any thing missed besides your money?——There was the shirt, and the waistcoat, and a jacket as they call it.

Had not you been drinking?——No sir.

When did you see the man again?——On Thursday night between eleven and twelve, at the Half-way House at Stepney; the people that were in the house knew him again, and came down and told us he was there; I saw my husband's shirt on his back, it is here, it has the mark which I put in myself.

WILLIAM ELBY *sworn.*

I took this shirt off the prisoner's back, at the lock-up-room at Shadwell, on the 28th of September, on a Thursday.

Mr. Buttin. We found two guineas, eight shillings and half a crown piece and a penny, we cannot swear to money; Mr. Clone would not come without he was subpœnaed, and we could not get any money to subpœna him; we are very poor people, and he stripped us of every penny but fourpence halfpenny.

PRISONER's DEFENCE.

Yesterday was three weeks I went to the cook's shop in Ratcliff-high way to get my dinner, and there was a man in liquor, I went in, I never minded the man, and the prosecutor and the woman was sitting at dinner; in three or four minutes the man that was abusing the man at the cook's shop, was hauled in, having broke the windows, the man that was in liquor that broke the windows, asked the prosecutor to pay for the windows; I said this man and woman have said nothing amiss, they sat at table at dinner, they were charged with a constable, at last the prosecutor agreed to pay the man for the windows, but before that, says the woman, you have seen we have done nothing, and we will go before the Justice, and we will pay you for your trouble; says I, good woman I have nothing to do with your affairs, the man that broke the windows proved to be the prosecutor's landlord, tho' he said he did not know him. I often dine at this cook's shop, and the young man he son said to me, will you go over the way and have

have a pint of beer? and we went, and there was the profecutor and his wife and three more men, ſeamen, they had, I ſuppoſe, five or ſix pots of beer; I paid for a pint of beer, and we had another, they would inſiſt on my drinking, I refuſed, however, they got pretty ſtill, and one of the men that went home along with us began ſinging a ſong, then they inſiſted upon my joining their company, we continued there all the afternoon drinking and ſinging, and I put down a ſhilling and ſaid let us ſee what that will do, one of theſe ſeamen put down another, the other men ſaid they would not pay any thing, they were aſked in; ſo one being a ſtout man, ſays to the profecutor, you was my total ruin you know by falſe ſwearing before, and you have an undoubted right to pay my reckoning, and the woman ſaid, do not have any words, I will pay the next of the reckoning, and ſhe paid it, and we all went to their houſe together; I was for leaving them, no, no, ſays the profecutor and his wife, let us go home and have a bit of ſupper, and a ſong or two at home, we went there and ſhe put ſome victuals upon the table, and fetched half a gallon of beer, that was ſoon out, and I paid for another half gallon; there were two others, a man and woman came up, we had three half gallons of beer, and at ten I ſaid I ſhould be locked out; never mind that ſays the woman, and one of the men ſaid we ſhall all pigg here to-night; I inſiſted upon going home, they inſiſted I ſhould not; about eleven we had three half gallons more, and being in liquor, I ſaid I cannot ſit up, let me lay down to ſleep; I laid down and one of the men pulled his jacket off and put it over me; the woman came up ſtairs and ſaid ſays ſhe there is a woman lays there, you may lay down with her, they ſaw before I had money, and I ſaid I want no woman; the other two men were up and down ſtairs ſeveral and ſeveral times; I fell aſleep, and the woman wake me ſays ſhe you muſt get up becauſe my huſband will be very angry, he does not remember your being here in the room, and theſe other three are his country people, he will not be vexed with them, but he will with you, for he will not remember you, as he was in liquor, and ſhe went down with me and let me out; I went and ſet with the watchman till day-light, and gave him threepence; on the Thurſday evening I went to the Half-way Houſe at Stepney. and we had ſome beer there, and in came this man and his wife, and another man, and took and tied my hands; ſays he, He has piſtols about him, I was ſearched, I had neither knife nor piſtol; well, they took me down to Shadwell, there they ſtripped me of every thing, the ſhirt was taken off my back, and ſhe made oath before the Juſtice that it was her ſhirt; ſhe then ſaid it was marked with I. L. I bought the ſhirt of Mrs. Winnes who ſells cloths near the New Road, and a pair of ſtockings and a black handkerchief; I received this money at Chatham.

Court. Is Mrs. Winnes here?---No, I had no money to ſubpœna her, all my money and things were taken from me.

What way of life have you been in?---I am a carpenter, I have been down at Liverpool theſe two years, I have nobody living here at all.

Where did you lodge?---At Mr. Caſtow's, in Plow-ſtreet, Whitechapel, a chandler's ſhop.

Is he here?---No, I ſent a letter, but whether it went, or how, of which way, I cannot tell.

Court. Let that ſhirt be handed over to the Jury with that mark.

Court to Mrs. Beattie. You ſay you put in that mark yourſelf?--Yes.

How came you to put in J. L.?——It was my ſiſter's huſband's ſhirt, and I bought it of her, he entered on board the Druid man of war, and this ſhirt was pawned, here is a letter from the Druid man of war, it was his ſhirt at the time I marked it, therefore I marked it with his name.

Jury. What was your brother'snam?---John Lundy.

Court. The letter is no evidence.

Where does your ſiſter live?——She is on board the Druid man of war at this time.

Where

Where did ſhe live before we went on board?--In King-ſtreet.

When was it this letter came?——I do not know, they were letters that my ſiſter left behind her, I only brought them on purpoſe to let you know they were the ſame name; it was ſince my nephew was drowned.

Court to Elby. When did you firſt ſee any thing of this matter?——The priſoner was brought up to the public-houſe where I was drinking, with his hands tied, and charged with robbing them of ſome money, and this ſhirt, ſeven guineas I think it was, the ſhirt was then on his back.

Whereabout is the mark of the ſhirt?—In the boſom; I ſearched him and found two guineas upon him.

Court to Jury. With reſpect to the breaking out, the evidence falls ſhort, for there were ſeveral other people in this houſe, none of which are here, they might have opened the door.

GUILTY.

Of ſtealing, but not of the burglary.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron EYRE.

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912. JAMES NESBIT was indicted for burglariouſly and felonioufly breaking and entering the dwelling houſe of Cornelius Callahan, about the hour of one in the night, on the 20th day of September laſt, with intent his goods and chattles there being burglariouſly and felonioufly to ſteal.

CORNELIUS CALLAHAN *ſworn.*

I live in the pariſh of Saint John, Wapping, on the 20th of laſt month my houſe was broke open; I went to bed about eight, before I went to bed I went into my work-ſhop, which joins my dwelling houſe, there is only a partition between them, and I examined the places, and it was all faſt, I was not up laſt, my wife was up laſt.

Is your wife here?——No, ſhe went to bed an hour after, about nine; there was no ſervant; I heard the watchman cry twelve, and about five minutes after, I heard a noiſe alongſide my bed, there is a little trap-door and a ſhutter, and I looked acroſs it and ſaw a great light in the work-ſhop, and I ſaw a great part of the ſhop untiled, and the moon ſhone in through it, and I could ſee nobody; in about fifteen or twenty minutes after, I heard a great noiſe, it came from the head of the bed to the foot, and I ſaw a man come right through the tiling, which was the priſoner, there were two men more on the tiling when he came down, the croſs pieces that go from the rafters were cut away, and this chiſſel was found on the tiles in the morning; he was ſtanding on my bellows, I went back and got a ſhort gun, which I always keep loaded, and I preſented it to him through a hole, and it miſſed fire, I fired again, it miſſed fire a ſecond time, then I awoke my wife and told her, then ſhe got up and the priſoner hid himſelf, he was an hour and a quarter in the ſhop; I made my wife come down, I was afraid they would murder me, and my wife waited for the watchman coming full an hour, then a woman came by, my wife called her, and ſhe got aſſiſtance, and I told them to break the door open; the door was faſtened.

Has he been in cuſtody ever ſince?--Yes.

Did he take any thing?--I cannot ſay.

——— HITCHCOCK *ſworn.*

I am one of the conſtables of the night, I remember coming to the aſſiſtance of the proſecutor; I was called between twelve and one; I came to his ſhop in conſequence of being ſent for, it was the 20th of laſt month; I know the priſoner, we found him hid behind the water-tub in the ſhop, he has been in cuſtody ever ſince; we tried to break the door open but could not, and the proſecutor ſent his little boy to undo the door, and I took him to the watch-houſe, and he was committed; we ſearched but there was nothing about him.

PRISONER's DEFENCE.

I went into an old houſe for ſhelter, and in

in the night the rain came upon me, and I found a hole, and I went in there; I have no friends at all; that gentleman ſent me to priſon before for an aſſault, and I had only come out of priſon that day, and I had no where to go that night.

GUILTY, *Death.*

Tried by the firſt Middleſex Jury, before Mr. Juſtice NARES.

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913. MARIA HAMILTON was indicted for feloniouſly ſtealing on the 20th day of September laſt, one linen gown, value 21s. nine yards and a half of linen trimming value 2s. 3d. one ſilk and cotton gown, value 6s. one black ſtuff flounced petticoat, value 6s. one apron, value 12d. one black ſilk bonnet, value 12d. and 9s. 6d. in monies numbered, the property of James Groves, in the dwelling houſe of Thomas Shaw.

JANE GROVES *ſworn.*

I am wife of James Groves, the priſoner lodged in a houſe where I lived, in the houſe of Thomas Shaw; I loſt a new linen gown and a ſilk and cotton gown, this is the cuff of it, a black flounced petticoat, a new one, it coſt me nine and ſix-pence, I had wore it about three hours, and four yards and a half of new trimming to trim the gown, it was linen trimming, and a black ſilk bonnet, the Manchester gown is ſilk and cotton; there was a white cloth apron with nine and ſix-pence tied up in the corner of it.

What was the value of theſe things?—The linen gown coſt me thirty-ſix ſhillings, I never wore it but once, I paid four ſhillings for making it; the other gown is pawned for five or ſix ſhillings, the week before laſt; the trimming coſt two ſhillings, the bonnet two ſhillings, and nine and ſix-pence in money; I never found any of the things again, any further than the priſoner ſaid ſhe had loſt the bonnet.

How came that?—She told the conſtable ſhe had loſt it.

What is the name of the conſtable?—Edward Treadway; I met the priſoner in Broad St. Giles's on the 20th of September, and I aſked her how ſhe did, ſhe ſaid, indeed Mrs. Groves I am very bad, I am juſt come out of gaol, I am in great diſtreſs; I aſked her to drink ſomething, ſhe ſaid, if you pleaſe; I had known her three months before, I took her into a publick houſe and bid her chuſe her own liquor, and ſhe choſe a quartern of rum, I paid a great for it, I I gave her ſix-pence to get her ſome meat, and I called for a pot of porter, and when ſhe came back, I ſaid, Mary here is ſix-pence, I am ſorry for your diſtreſs; ſhe ſaid, indeed I am, for this old bed-gown is my ſhift; then I gave her a ſhilling and took the ſix-pence, then I got up to come away and it began to rain, I ſaid Mary if you have a mind to come home with me and have a good diſh of tea it may refreſh you after your trouble; ſhe came home with me and ſat on the foot of the bed, and I took and tied the nine and ſix-pence in the corner of my apron in a hard knot, ſhe ſaw me do it; I went and unlocked my box where my clothes were, and I put my apron and my money in the box, and I ſhewed her the trimming; I ſaid I had bought it for that gown, and pointed to the box; ſhe ſaid it would look very neat; after a little while I ſaid I was very poorly with a pain in my ſide, I would lay down if ſhe would make the tea, ſhe ſaid do my dear, ſhe covered me up, and I believe I fell aſleep, and I miſſed her and there was no fire, and I went to light a candle, and I was locked in.

What time was this?—About one in the day-time, I thought ſhe was gone to buy an old gown, I was not ſurpriſed, I made my bed and ſwept my room out afterwards; I found my box ſtripped of every thing, I miſſed my bonnet, I opened my window and called out, and a neighbour made anſwer, if any body has robbed you it is that woman in the white wrapper, for I ſaw her come down in your bonnet and a great bulk under her petticoats, ſhe ſtood under

the gateway and preſſed it down; then I begged that ſomebody would go to my landlady and ſee if they could open the door, and they got the door open, and I purſued where ſhe ſaid the priſoner was gone, I looked every where for her, and about ſeven or eight I met her; ſays I, Mary what an ungenerous creature you are, to treat me in the manner you have done, ſhe was a minute before ſhe ſpoke, ſhe took the pipe out of her mouth, and ſaid, I was juſt going to ſend to you; ſays I, Oh! you ungenerous creature, was you a going to ſend me my clothes again, and my money, and where is the key of my room, ſhe put her hand in her pocket and ſaid d—— n you here is your key; ſays I, I will not leave you till I know where my things are; ſhe flung her pipe down in the ſtreet and ſaid, "*by the Holy Ghoſt I will ſcort you like pork, if you do not looſe me,*" and ſhe clinched her hands as if ſhe had been going to ſtrike me, but ſhe did not: ſays I, I will forgive you the money if you will tell me where my things are, but if you do not I will fetch a conſtable; ſo then ſhe downed on her knees in all the *muck*, and ſaid, "*bad luck and a ſudden death attend you Mother Groves, if you do not fetch a conſtable*"; ſo then I did fetch a conſtable, or elſe I would not have troubled my head about her; nobody was in the room but her when I laid down.

When you found her had ſhe any of your clothes on?—No, ſhe had a very handſome gown on, which ſhe had taken out of pawn that very afternoon.

How long did you ſleep?——I cannot recollect, but it was more than an hour, it was about twelve when we came in together, and it was almoſt two when I awaked.

—— DOUGLAS *ſworn.*

I have a lower apartment; I was having ſome breakfaſt with the woman of the houſe with my children, and the priſoner came to the window and aſked for the proſecutrix, I told her I did not know ſuch a perſon by name, with that ſhe went away, this was about ten in the morning; ſhe was gone about an hour and a half, when ſhe and the proſecutrix returned together, and they went up ſtairs together, and ſhe might be up ſtairs for an hour and half or an hour and three quarters, I cannot ſay which, along with this ſaid Mrs. Groves; when ſhe went up ſtairs ſhe had neither hat, cloak, nor gown on, and when ſhe came down ſhe had the contents under her petticoats, a kind of bundle, and ſhe ſtood under the gateway and was ſtroking down her hips, and the proſecutrix's bonnet was on her head, which I had ſeen on the proſecutrix before, I thought the priſoner was gone out of an erand, ſhe ſeemed as if heſitating, and then ſhe turned to the right hand towards St. Giles's; I afterwards told Mrs. Groves which way ſhe went as ſoon as ſhe made the alarm; I am ſure to the priſoner.

Priſoner. Did not I come down again in two or three minutes and leave the houſe intirely?—Upon my oath ſhe went up along with this ſaid Mrs. Groves, and never came down with the contents till an hour and half, or an hour and three quarters; ſhe came down alſo with the bonnet on her head.

Priſoner. Did you ſee a bundle with me?—Yes, I ſaw a bundle under your petticoats, and a bonnet on your head.

EDWARD TREADWAY *ſworn.*

Mrs Groves came to Juſtice Walker's about ſeven, and told me ſhe had been robbed of the things mentioned in the indictment, and ſhe gave me the key of the room; I went with her into Diot Street, we went from one public houſe to another, at laſt I met her in the ſtreet, I ſaid to her, you muſt go along with me; what do you want? ſays ſhe, I took her into cuſtody, ſhe had a linen gown upon her, ſhe ſaid ſhe fetched it out of pawn that day, ſhe ſaid ſhe had loſt the bonnet, ſhe was very much in liquor, ſhe could hardly ſtand; I went with the key to open the woman's room, I tried it, and it opened the lock.

PRISONER's DEFENCE.

I did go into that gentlewoman's room, and

and ſhe ſaid I will lay in bed, and do you lock the door and come up towards the afternoon and let me out; I did lock the door and put the key in my pocket, and at the time I was to come to her, I met her and that man, I ſaid I was juſt coming to let you out; the proſecutrix was very much in liquor; I have no more to ſay nor do in it, but the houſe ſhe lives in there is nine or ten houſes, one runs into another, and there is twenty bunches of keys to one houſe, I lodged in it. I have tried other keys, it is a great court, and all women of the town in it, there is not one honeſt perſon I believe in the court, I have no witneſſes, for I did not think the woman would be ſo wicked to fetch me up.

GUILTY,

Of ſtealing to the value of 39s.

To be tranſported for ſeven Years.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

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914. JOHN HENDERSON was indicted for feloniouſly breaking and entering the dwelling houſe of Nathaniel Oliver, about the hour of four in the afternoon on the 10th day of October, no perſon being therein, and feloniouſly ſtealing therein, one ſilver teaſpoon, value 2s. one cloth apron, value 12d. one linen ſhift, value 12d. four children's ſhirts, value 18d. one callico bedgown, value 9d. one diaper napkin, value 8d. ten children's caps, value 2s. one muſlin cap, value 3d. one muſlin handkerchief, value 6d. two callico handkerchiefs, value 6d. half a yard of linen cloth, value 12d. a ſtone ring ſet in ſilver, value 2s. a ſtone pin ſet in baſe metal, value 1d. a necklace ſet in ſilver, and 80 glaſs beads to the ſame, value 2s. the property of the ſaid Nathaniel.

NALHANIEL OLIVER *ſworn.*

I am a dyer, mine is a ſmall houſe, in which myſelf, my wife and one child live; I went out in the afternoon, my wife having gone out before me, I made faſt the door when I went out, I bolted the back-door and locked the fore-door, I had the keys in my pocket, I left nobody in the houſe, I returned in about an hour after, and I found a man in the houſe and my drawers were rifled, and when I returned my door was open.

Had you delivered your key to any body while you was abſent?—No, I came back before my wife, I was at work juſt by, and I heard a noiſe, and I came to the back door, and there was the priſoner in the back room, I found him in the bed-room below ſtairs, I found nobody elſe.

What was he doing?—He was taking the things out of my drawers.

Had he in fact taken any thing out of the drawers?—Yes.

What?—Some children's ſhirts and ſhifts.

Where were they laying?—Some he had put in his bag, and ſome were laying in a chair; I aſked him what buſineſs he had or what he wanted there, and he turned and ſaid I will ſhoot you, and he put his hand into his pocket; I drew from him and he puſhed by me, and I immediately followed him till I took him in the ſtreet he got out.

How far from your houſe had he got before you took him?—Nearly half a mile.

How came you to let him go ſo far?—I did not care to go too near him for fear he ſhould ſhoot me, but more people came up then I muſtered up courage, he ran and before I took him he threw ſomething away, I followed him as cloſe as I could within fifteen or twenty yards, he was not out of my ſight in the courſe of my running.

Did you obſerve him throw ſomething away?——Yes I did obſerve him throw ſomething away, but what it was I could not tell; after I took him I went to the place where he threw ſomething away, and there we found a piſtol; when I took him he had one of my ſilver ſpoons in his pocket.

Had he any thing elſe?——Nothing elſe of my property; he had a box of gun-powder of his own.

What became of the bag you ſaw in the houſe?—It was left behind.

Who did the bag belong to?—To him.

It

It did not belong to you?—No.

After you had taken him did you examine that bag to ſee what was in it?—Yes, there were children's ſhirts, and ſhifts, and caps.

How many?——I did not count any of them, ſome things of mine were found in the bag and ſome were found in the chair.

After you had taken him did you examine the doors to ſee how he got in?—He broke open the back door, and took off the two bolts, the two bolts were laying down by the door on the inſide.

Where does that back door open to?—Into a garden, I came to the back door.

How happened that?——I was down in the field at work near to the houſe, and I heard a noiſe, and it gave me a ſuſpicion that ſomebody had broke in.

What became of the things that were in the bag, and that were in the chair?—The officer had them, his name is John Armſtrong.

JOHN ARMSTRONG *ſworn.*

The proſecutor gave me theſe things by order of the Magiſtrate.

EDMUND WADE *ſworn.*

I produce the tea-ſpoon which I found in the priſoner's pocket, and a box of gunpowder.

(The tea-ſpoon depoſed to by the proſecutor.)

Mrs. OLIVER *ſworn.*

Court. Look over theſe things, that linen, and tell me whether you know any of them.

(The things depoſed to.)

(The piſtol produced, which was loaded with two balls.)

PRISONER's DEFENCE.

I was in great diſtreſs; I had not had a mouthful of victuals to eat; I had travelled from Briſtol; I am a ſeafaring man; I have not a ſoul living in the world.

Court. You had better have ſold your piſtol and bought bread with that; how old are you?—About twenty-one.

GUILTY,

Of ſtealing to the value of 4*s.* 10*d.*

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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616. JOHN ISAAC was indicted for feloniouſly aſſaulting John Wallis on the King's high way, on the 11th of Auguſt laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon, and againſt his will, one ruſh baſket, value 6d. four live fowls, value 5s. and one guinea, value 1l. 1s. and one half guinea, value 10s. 6d. and 10s. in monies, numbered, the property of the ſaid John Wallis.

JOHN WALLIS *ſworn.*

I was robbed on the Edgeware road, on the eleventh of Auguſt, between ſeven and eight, it was light, I was in a ſingle horſe chaiſe, the perſon that robbed me was on foot, there were three in company, that ſtopped the chaiſe, I ſaw them about fifty yards before they met the chaiſe.

Had you any body in the chaiſe with you?—Yes, when they ſtopped me they demanded my money.

Who bid you ſtop?——I cannot ſay that, but I immediately gave my money.

Was you driving?—No.

Who was the perſon that was with you?—Edward Daniel, who is here; I loſt a guinea, a half-guinea, and ten ſhillings, that I can ſwear to, they were taken out of my pocket, but not by this priſoner, and I loſt a key and a note, I loſt a baſket of fowls; I cannot ſwear to the priſoner.

Were the other two taken?—Yes.

What became of them?—They were both convicted, I could not ſwear to any of them.

ED-

EDWARD DANIEL *ſworn.*

I was with Mr. Wallis about a quarter before eight, I drove the chaiſe, I can only ſay the ſame that Mr. Wallis ſaid; I perceived the men ſome diſtance, before they attacked us, I perceived the priſoner coming down the hill, he was the firſt of the three, I am ſure of the priſoner, he was the only one of the three I had the opportunity of ſeeing; at the moment when they came oppoſite to my mare's head, the priſoner ſtrove to catch hold of the reins of the chaiſe horſe, I gave the mare a couple of ſtrokes, and the priſoner gave me a ſtroke with the back part of the cutlaſs over my left arm, thinking, I ſuppoſe, I ſhould drop the reins.

He did not wound you?—No; he did not; one of them came and robbed me while the priſoner robbed my friend; I am ſure this is the man that robbed the proſecutor, Wallis, he held a piſtol to his breaſt, and a cutlaſs.

Wallis. I ſaw a piſtol and a cutlaſs, which took my attention more than the man a great deal.

Did you ſee any thing done with the cutlaſs?——No, I did not ſee him ſtrike.

Mr. Keys, priſoner's Council. Did the man that robbed you go away immediately from the chaiſe, after he had robbed you?—Yes, he bid me turn my head about, which I very readily did; after he took the baſket of fowls, I did not ſee him offer to ſtrike any perſon; this tranſaction was a minute about, or two, three or five, I cannot ſay.

To Daniel. The priſoner was a perfect ſtranger to you before this tranſaction?—Yes.

How long do you imagine it was about?—I thing it was about five minutes; he was longer in robbing my friend, than the others were in robbing me; at the time we were about the buſtle of the mare, I had as much view of him as I have of you now, and for a conſiderable way, he was coming down the hill, I had a particular view of him every way, I particularly obſerved him before he came.

Had you no terror on your mind at this time?——No, I had not, only when one of the priſoners threatened to ſhoot my dog, my attention was taken up with one more than the other; I knew all the three, and my friend knows them too, if he chuſes to ſpeak; the other two men were convicted on my evidence laſt ſeſſions.

What are you?——I am a tea-dealer.

Where do you live?——In Southampton-ſtreet, Covent Garden; I was taken into a room, where the other men were, with twelve or thirteen, and I picked them out directly.

How long was it before you ſaw theſe priſoners again?---I ſuppoſe it was a month.

Mr. Keys priſoner's Council. If the priſoner ſtruck at you, it muſt be acroſs your friend?——Yes it was.

Yet your friend could not ſee that?——I do not wonder at that, he was a good deal terrified.

Court. Where did you ſee this man after the robbery?——At Litchfield-ſtreet, at the Rotation-office, he was taken up at Litchfield-ſtreet, and I was ſent for.

Was he with other people at that time?——No, he was not.

When you gave evidence of the perſon of the priſoner, had you deſcribed the priſoner?——Yes.

How?---In black clothes.

How was he dreſſed when you ſaw him?---As he is now.

And was you ſure he is the man?--Yes, I was clear he was the man.

How long have you lived in Southampton-ſtreet?---About ſixteen years.

You have not a doubt about?---No, I have not indeed.

Mr. Keys. My Lord, the priſoner wiſhed to have poſtponed his trial, on account of the abſence of his witneſſes, and I can only ſay, that if they had been here, they would have proved, that this young man's uncle is a man of reputation, and lives at Ealing; that the priſoner has been an officer, and ſince the peace he has been ſupported by his uncle, and bears a good character.

PRISONER's DEFENCE.

When I was brought to Litchfield-ſtreet, I was pointed out by Dixon and Blacketer, two men that belong to the office, to the

gentleman who was robbed; I heard one man in particular, make anſwer, and ſay, that is the man; any body might have been ſworn to equally with me, I am innocent.

Court to Daniel. Was the priſoner pointed out to you as the man that robbed you, or did you yourſelf know him?---No, he was not pointed out, the priſoner was taken up on my information, and he told a long ſtory before the Juſtice, that he was down at Folkſton, from the firſt of Auguſt to the ſecond of September; I had been there for ſome time.

GUILTY, Death.

Proſecutor. The Uncles have been with me, they are both men of credit, the one is maſter of the horſe, and the other is firſt page to the Princeſs Amelia; they have given him a moſt excellent character; I wiſh the gentlemen of the Jury and my Lord to conſider, and recommend him to mercy.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

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916. WILLIAM MITCHELL was indicted for that he, on the 23d day of Auguſt laſt, one piece of baſe coin reſembling the current ſilver coin of this kingdom called a ſhilling, falſely and deceitfully, feloniouſly and traiterouſly, did colour with materials producing the colour of ſilver, againſt the ſtatute.

A Second Count, For that he one round blank of baſe metal, of a fit ſize and figure to be coined into counterfeit milled money, called ſhillings, falſely did colour with materials producing the colour of ſilver, againſt the ſtatute.

(*The caſe opened by Mr.* REEVES.)

JOHN DIXON *ſworn.*

I am an officer belonging to Litchfield-ſtreet; I know the priſoner: I took him in cuſtody on the twenty-third of Auguſt in Tottenham-court-road in the ſtreet; Johnſon came to the office to me, and in conſequence of his information to me, I took up the priſoner; I ſearched him, and in his waiſtcoat pocket I found this bottle and this bit of black mittin, with theſe ſeven ſhillings, and fourteen ſixpences, all bad; they have been in my cuſtody ever ſince, and three ſhillings and ſixpence in good money, I found in his pocket.

Court. Was the money mixed or ſeparate?—No, the bad money was all in that bit of black mittin, the bottle was broke before the Grand Jury, but that is the liquor that was in it; I was obliged to find another bottle, and I took him before the Juſtice; I have ſome ſhillings to ſhew the Court that this ſtuff will turn them of that colour.

Have you made the experiment yourſelf?---I have, but I have none of them here; I believe Mr. Vines has.

Mr. Peatt, priſoner's Council. Theſe kind of blanks are uſed for other purpoſes I believe.---Very few in that ſtate, they have heads.

Is there any impreſſion on any of them?---Yes, on ſeveral, a faint impreſſion.

Jury. Some has no impreſſion, and ſome a faint impreſſion.

Are not pieces of metal of that ſize, applied to various purpoſes?---Not in that ſtate; a round blank with neither head or woman on it, you may make a button of it.

Would you have taken any one of them as a ſhilling?---In the ſtate I ſaw them in, they were finiſhed fit to paſs; I ſhould not have taken any of them, but any other perſon would.

That you cannot tell.

WILLIAM BLACKETER *ſworn.*

I know the priſoner, I was with Dixon, when he was taken into cuſtody, and I was preſent when the ſhillings that has been produced in Court were found upon him, and the bottle of ſtuff.

Mr. Peatt. Do you know anything of the nature of that ſtuff in the bottle?—No.

Have you at any time ſeen men ſtand at the corner of the ſtreets, with ſtuff rubbing buckles and buttons, to make them look like ſilver?——I have heard of ſuch things but I never ſaw them.

Did

Did that never fall within your notice? never.

WALTER JOHNSON *ſworn.*

I know the priſoner, I ſaw him with one Charles Ford, about the 18th or 19th of Auguſt the priſoner aſked me to go home with him, I went home with him.

Court. What, was he an acquaintance of yours?——Not in the leaſt, but I found by being in company with Ford, that he dealt in bale money, I went home with him, and called for a pint of beer, he took a baſon of the ſhelf, and there was ſome pieces about the ſize of half crowns or crowns, I looked upon them to be copper; after that he told me that he could caſt any of them, I immediately went to Litchfield-ſtreet, and acquainted Blacketer of what had paſſed, and he deſired me to watch the priſoner; the next day my buſineſs led me to go over London Bridge, and I met the priſoner and aſked him how he did, he pulled out a bottle out of his pocket, I thought it had been a ſample of rum, I ſmelt of it and I found it was aquafortis, beſides that he pulled out of his waiſtcoat pocket, ſomething ſimilar to paſte, ſimilar to that which is in Court, which he ſaid was for cleaning of metal, then I left them, and called at Litchfield-ſtreet and acquainted them; two or three days paſt, and I called again on the priſoner on a Tueſday morning about ſeven the 23d of Auguſt, I was going to ſee Ford, he aſked me for a bottle that ſtood on the ſhelf, which he took, he was in his own houſe, he was in bed, No. 7, White Lion-ſtreet, I took it to be ſomething of bark, then he deſired me to reach him another bottle, which I did, and when he got up he took off the ſhelf a black purſe which is in Court *(looks at it)* this is the very purſe, it had ſomething in it that jingled I could not tell what it was, I went with him to Ford's, and Ford was not up, I knocked at the window and Ford got up and let him in, I kept on the outſide, he aſked Ford to give him a little ſalt, *I leaned and lolloped* on the outſide of the window, there was no *glaze* to the window, only ſhutters; the priſoner aſked Ford to give him ſome ſalt, after that he pulled the bottle out of his pocket, and began to rub ſome off it with the ſalt, with ſome of the metal which he had, which were of the ſize of ſixpences and ſhillings, he rubbed ſeven pieces reſembling a ſhilling, and thirteen ſixpences, one ſixpence I did not ſee him do (which is the ſixpence which lays at the corner) after he had done them, he put him into cold water in a baſon, I went immediately to find Blacketer, I could not find him.

Did you obſerve what effect the rubbing of them had?——It appeared to make them look like ſhillings and ſixpences.

Before or after they went into the water?—Before they went into the water.

What colour were they before they were rubbed?——Something ſimilar to copper, when he waſhed them he put them into the very ſame purſe, I then went to Dixon and told him what happened, and where he might find the priſoner.

Mr. Peatt. How ſoon was it that you ſaw what you took to be the pieces that you ſay he rubbed in that manner, or ſomething ſimilar to them, again?—He rubbed them about a quarter after ſeven, I ſaw them directly after, the next day when the priſoner was examined, I went to Mr. Vernon.

Then you do not know that they were the ſame pieces that you ſaw him do?——I really believe them to be the ſame, there is one ſhilling that has got a little bit of a hole or dent, that is it to the beſt of my knowledge.

Pray, Mr. Johnſon, has it ever fell within your obſervation that people ſtand in the ſtreet with paſte reſembling the colour of this, and rub buckles or buttons?—Such things might be in the ſtreet, but I never took notice of it, I have read in the paper of theſe things for cleaning of ſilver.

Court. What way of life are you in?—I am at home with my friends, my mother is in the fan way, lives in Somerſet-ſtreet, Portland-ſquare.

Are

Are you bred to any buſineſs?—I never was.

What age?——Twenty-nine, my father once lived at No. 61. Friday-ſtreet, he is reduced.

This man was not your acquaintance?—No, he was not, Ford was my acquaintance, I was under a predicament for an aſſault in New Priſon, which was the way I got acquainted with Ford, I was a priſoner there for an aſſault.

You met this man firſt at the Hampſhire Hog, with Ford?—Yes, it is oppoſite St. Giles's church.

What was your buſineſs there?—I called to ſee Ford being a priſoner.

What buſineſs had this priſoner with Ford, could you diſcover by the converſation between them?——I found that they had been to Peckham-fair the day before, putting off bad money, and they were eating ſome ſalmon, and I eat ſome with them.

Can you explain to the Jury what led to that?—I cannot.

What is Ford?—He is a duffer.

Becauſe it ſeems a little extraordinary, that the priſoner ſhould chooſe to put his life into the hands of an abſolute ſtranger, you know Mr. Johnſon?—I never ſaw the man before that time in my life.

Did you give him any encouragement to help him with reſpect to this money to paſs it off?——No, my Lord, far be it from me.

Then, what was it that introduced you ſo far in the confidence of this man?——I thought it was my duty, or any other perſon's elſe, to have ſuch a man apprehended.

I am not blaming you for diſcovering what paſt, but what I want to know is, what it could be that induced this man to put ſo much confidence in you?——I cannot tell, my Lord.

Do explain to the Jury how it happened that this man truſted you with ſuch a ſecret as this?—I look upon it, knowing I had been in priſon with Ford.

But he had no reaſon, I imagine, to ſuppoſe you dealt in that way?—I never did in my life.

But did he ſuppoſe ſo?——Being in priſon nobody can tell what ſituation of life I had been in when I came out; I cannot tell rightly what made him repoſe ſo much confidence.

Rightly, can you at all?——No, I cannot.

Dixon. When Johnſon applied to me I deſired him to get ſome of it if he could.

Mr. Peatt. By your Lordſhip's permiſſion, I beg leave to obſerve, this evidence does not ſuſtain the indictment; as to the firſt count, it appears to me, that in the whole code of laws reſpecting the coinage of this kingdom, wherever counterfeiting of coin is mentioned, it muſt be ſo, that in the common courſe of receipts and payments of money, it might deceive a common obſerver; it is not merely the circumſtance of money reſembling in ſize, in diameter, and colour, that is ſuch a reſemblance as will reach the indictment, under the acts of parliament on this ſubject: there are various pieces of metal that are coloured for various purpoſes, that do, in ſome ſort, reſemble the current coin of the kingdom, both in ſize and colour, and yet have not that kind of reſemblance to induce any reaſonable perſon to take them. I conceive they muſt have ſome traces on the edges, or ſome traces of the inſcription, or ſomething of that kind of reſemblance, that would induce people of common experience and of common obſervation to take them by themſelves: with reſpect to the ſecond count, I think there ariſes an objection to it from the very nature of the crime, as deſcribed in the act of parliament; it ſays, in a more general way, pieces of metal that only reſembled in figure, pieces of baſe metal that are coloured for that purpoſe, ſo far as to reſemble the colour of ſhillings; the evidence does not ſtate that this money was the money that Johnſon ſaw the priſoner colour, but if it did, it is within the eye of the Court and Jury, that they do not ſo far reſemble the colour of ſhillings, ſo as to be taken by any

perſon

person of common prudence or observation; I thought it my duty to submit these observations to your Lordship's consideration.

Court. They are observations that go to the matter of fact.

Mr. Peatt. In the very last Sessions there was a trial of the very same nature, where the pieces did not more resemble the current coin of the kingdom than these, and the prisoner was acquitted.

RICHARD FRANKLIN *sworn.*

I am one of the moniers at the Mint; this money was not made at the Tower.

Can you judge by your eye, and without an assay, what the metal is, Sir?——No, my Lord.

Can you say by your eye whether it is silver or not?——I cannot say.

Court to Prisoner. What account do you give the Jury of it?

Prisoner. I must leave it to the Jury; my wife and myself took them in trade, every one of them; my wife keeps a green shop.

What is your business?——I used to sell goods; I received five shillings and sixpence of it myself in trade.

Goods, of what sort?——Hardware.

What do you say of that bottle?—I was acquainted with this Ford; I saw him in Clerkenwell; I went to see him, and this Johnson was drawing beer at the same time, and Ford was shewing a bad shilling, I said, Sir, I have a great many of them at home, and it is a great loss to me; says he, I will give you a bottle of stuff to rub them over; and in about a couple of months I met Ford and Johnson at the Hampshire Hog; then I believe I shewed them two or three of the shillings, and some pocket pieces in another cup; I have the pocket pieces to produce, which he says are half crowns; then we were talking about notes; I said I was no scholar, and Ford had a bad note about him when he took me that Johnson had given him: Ford was to take these fourteen shillings from me, and to allow me something for them, and to make the best of them; I have a very good character in the town.

The witnesses were called, but none answered.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron EYRE.

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917. JEREMIAH SHEPHERD and JOHN ARNOLD were indicted for feloniously stealing, on the 5th day of January last, fifty pounds weight of feathers, value 60s. a bed-tick, value 18s. a bolster-case, value 4s. a pillow-case, value 2s. a bed quilt, value 30s. a blanket, value 8s. a looking glass, value 5s. a brass fender, value 1s. four curtains, value 20s. a window curtain, value 7s. six bed valances, value 15s. a cotton head-piece, value 5s. a tea chest, value 5s. a tea board, value 4s. a feather bed, value 50s. a bolster, value 5s. a carpet, value 30s. a card table, value 20s. a tea board, value 3s. three mahogany boards, value 6s. three pieces of mahogany, value 3s. the property of Thomas Rumball.

THOMAS RUMBALL *sworn.*

I live in the Minories, I am a cabinet-maker and upholsterer; I lost my things, the prisoners were lately my servants, and whilst they lived with me I did not miss these things, one lived with me about two years, and the other about three; one left me about six months ago, that was Shepherd, and John Arnold about nine months ago; on receiving an information from one Atkinson, I went to the prisoner Arnold, who I found in Spitalfields, where he lived, and kept a greenstall; he lived at another place, there I saw him, and I took him to the public house, and I enquired of him how he came by some chair stuff that he gave to Edward Atkinson to make into chairs; he said he bought it of a man that had the appearance of a countryman, a chair-maker, and that he was very ill, and

was advised by his doctor to go into the country, and could not ſtay to make up the chairs, in conſequence of which he offered it to him who then kept a broker's ſhop; I aſked him where this chair-maker lived; he ſaid he did not know; where is he gone to? why, to Lincolnſhire; but did not know what inn he ſet off from; I immediately came to Jeremiah Shepherd, who then lived with a diſtiller; for they had left off partnerſhip; when they left me they went into partnerſhip together in a broker's ſhop; he was not at home, he came in, in about ten minutes with Atkinſon; I aſked him how he came by this chair ſtuff, which I ſaid I knew to be mine; he ſaid he bought it of a countryman, as the other did; I aſked him where he ſold theſe chairs when made up; he ſaid to Mr. Samuel, a broker in Moorfields, for two guineas and an half, Arnold ſaid he ſold them for three guineas and an half, to a gentleman that came by promiſcuouſly, and that the gentleman had his own porter, and took them away immediately; there their evidence differed, from whence I concluded that they were both rogues, and I took them before the Juſtice; while Shepherd was going to the Juſtice, he confeſſed to the runner, that if I went to Arnold's houſe, I ſhould there find a feather bed, and ſundry articles of my property; we went there, and the officer aſked him whoſe bed it was, and I ſaid whoſe bed is this John? why, ſays he, I perceive Jeremiah Shepherd has turned my foe, and therefore I will confeſs the whole; it is yours, and that bed furniture is yours, and I hope you will pardon me, for I was drawn in: we found at Arnold's, a bed, bed tick and bolſter caſe, and pillow caſe filled with feathers, a ſuperfine quilt, a ten quarter blanket, a fender, a checque bed furniture, conſiſting of ſundry pieces, which I believe are mentioned in the indictment; a tea cheſt and a tea board, they were all that I found at Arnold's, which I took to my own houſe.

Were all theſe things acknowledged by Arnold to be yours?——All, except the tea board and the tea cheſt.

What did he ſay about them?——They eſcaped our notice at the time; when they were brought before the Juſtice, the Juſtice aſked them, if they had ſtolen any other goods; Shepherd ſaid, there was a card table, and ſome other things: the Juſtice aſked him who helped to carry away thoſe things? he ſaid, one Ford, a porter; on the ſecond hearing, this Ford was brought before Mr. Juſtice Staples, and was enquired of by the Juſtice what things he had aſſiſted in carrying away; the priſoners were there, and he mentioned that he had carried away a table, and ſundry feathers, and a feather bed, and ſome pieces of Tekoa wood, which were tied up at my warehouſe, I found the caddy that they mentioned, and I found a bolſter, two pillows, and three blankets, the carpet and table, a coffee pot and tea board, theſe were all my property, except the coffee pot.

EDWARD ATKINSON *ſworn.*

I am a chair-maker, I worked up ſome ſtuff for the priſoners, I believe it to be Mr. Rumball's wood, but I cannot ſwear to it, I told Mr. Rumball of it, when theſe men were taken up, I went with him to Shepherd, I heard Shepherd ſay, he took ſix of the backs of the chairs, and all the reſt of the ſtuff, and that Arnold was privy to it; I went with Mr. Rumball to Arnold's.

THOMAS STOKES *ſworn.*

I am an apprentice to the proſecutor; I ſaw Shepherd take two pillow caſes out of the dwelling houſe of my maſter; he ſaid he wanted them for his own uſe, and a bit of mahogany, two or three bits of Tekoa wood, and a pillow caſe with feathers in it.

All at one time?——At different times.

How old are you?——Sixteen.

When did you firſt tell your maſter of this affair?—After it was found out.

Court. It is a bad beginning, young man, you are very young, take care and do not connive at any ſuch thing again.

ANN

ANN READ *sworn.*

I live at No. 3, Cox's court, Aldersgate ſtreet, I lodged at Mrs. Faulkner's, No. 16, oppoſite the White Raven; a Mrs. Bolton came there, and gave me to underſtand a young man, which was Shepherd, lodged in her houſe, and had a bed and bedſtead to ſell; I went to look at it in King-ſtreet, Mile-end new town, we ſaw it, four pounds fifteen ſhillings was the price; there was a bedſtead, bolſter, two pillows, and three blankets, the tick was very old, I was no judge of the price, I bought it of Shepherd, and he brought it me over; he ſaid he had ſome more things that he was obliged to pledge, accordingly he brought me a carpet one guinea and a half, a card table, 23s. a tea tray, 4s. a coffee pot, 2s. which I alſo purchaſed on the 19th of September; I removed with my furniture, and on the 25th, my friend came to inform me there was a ſearch warrant after the things, that they were ſtolen; the proſecutor came and looked at them, and bid me not make myſelf uneaſy, for I had bought them at a fair price; they were fetched from me by order of the Juſtice; and I hope you will take it into your conſideration, and let me have them again.

PRISONER SHEPHERD's DEFENCE

Arnold and I kept a broker's ſhop, about ſix months, and we lent a man ſome money, about twenty guineas that we had ſaved, and he ran away with it, and the goods we had by us we parted; he took his, and I took mine; I was out of place a good while, and I parted with all my things, and I ſold my goods to this lady.

How came you by thoſe goods?——We were buying and ſelling goods every day, as other brokers are.

How came you to tell that ſome of Mr. Rumball's things would be found at Arnold's?——If I ſaid that, it is more than I know; I have no friend.

PRISONER ARNOLD's DEFENCE.

We were in the brokers way, we bought goods at different times?——I know nothing of theſe goods, he brought them to my houſe when we commenced partnerſhip; Mr. Rumbold came in, and ſaid, theſe goods are mine, and Jeremiah Shepherd, your friend as you think, has turned your foe, and has tried to hang you; whereas when I came to the Juſtice the priſoner told me ſecretly, that Rumball had promiſed me lenity on previouſly confeſſing theſe things which he did, I work very hard for my living, and do not live by thieving: we thought our trial would not come on till tomorrow morning, then we ſhould have had plenty of reſpectable houſekeepers to ſpeak for us, and counſel to plead for us.

JEREMIAH SHEPHERD, JOHN ARNOLD, } GUILTY.

Each tranſported for ſeven years.

Tried by the firſt Middleſex Jury, before Mr. Baron EYRE.

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918. MICHAEL SMITH was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Heſter, Ann and Elizabeth Blackhall, about the hour of two in the night, on the 17th of September laſt, and burglariouſly ſtealing therein, two ſilver table ſpoons, value 14s. one quart of rum, value 2s. a quart of red wine, value 18d. and two quart bottles, value 3d. their property.

HESTER BLACKHALL *ſworn.*

I live at Bromley, near Bow, my ſiſter Elizabeth and Ann are all three connected in the houſe, our houſe was broke open on Saturday the 17th of September, we went to bed about eleven, the ſervant faſtened the doors, I ſaw them all faſtened, and the windows were all faſtened; we did not perceive it till the maid went down in the morning, the lock of the wine cellar door, which is in the kitchen, was broke open, they took down the door caſe from the back kitchen, and got in.

Was

Was that done in the night time?—— Yes, there was a bottle of rum gone, and ſome red-port, and a bottle of brandy, and two table ſpoons that were in the kitchen, the table ſpoons were taken on the priſoner at a pawnbroker's.

CHARLES FOX *ſworn.*

I produce two table ſpoons, they are in the ſtate I received them from the Juſtice *(Depoſed to.)* I lodge at Mr. Broughton's, I was accidentally at the door of the pawnbrokers, and the priſoner at the bar brought theſe ſpoons, I am ſure that is the man, he brought them for ſale, they ſtopped the ſpoons, and told the priſoner to go about his buſineſs, and he would not go, the proſecutor's ſervant was at the ſhop at the ſame time, he was not gone out, and we took him into cuſtody.

MARY DENT *ſworn.*

I am ſervant to the three ſiſters, they keep the houſe themſelves, I came down at ſix in the morning, my fellow ſervant faſtened the doors, I took off the ſhutters of the glaſs doors, I ſaw ſome bars laying in the yard, and I did not know what it was, and I went down into the kitchen; it was juſt light when I came down, I heard no noiſe in the night, I went up ſtairs to fetch my fellow ſervant down, and we went into the kitchen, and ſaw the wine cellar broke open, the table ſpoons were left in the kitchen with ſome dirty plates, I did not waſh them, and they were there at night.

Were they gone in the morning?—— Yes, Sir, there were two chairs ſtood, one was nigh the table, and the other was not, they had written ſomething on the table, they had burnt a large candle almoſt out, they ſat down ſome hours and drank the liquor, there was a candle in the back kitchen, but I am ſure it was not in the back kitchen when we went to bed.

(The ſpoons depoſed to.)

JANE JOHNSON *ſworn.*

I live with theſe ladies, and Mary Dent, ſhe got up firſt in the morning, and then ſhe came and called me, I ſaw the cellar door broke open, and the back door that goes into the yard; I was at the pawnbrokers, when the priſoner came in there with the ſpoons, I knew him before, he worked at our houſe, carpenter's work, I claimed them as my miſtreſs's, I aſked him how he came by them, he told me he bought them, but he could not tell where, the robbery was on the Saturday night, and this was Sunday afternoon, between five and ſix that he came to offer them.

PRISONER's DEFENCE.

I am not guilty, I was out on Saturday night, and got a little liquor, in coming home, I met two men, and I bought two ſpoons of them.

GUILTY, Death.

Tried by the firſt Middleſex Jury, before Mr. Juſtice NARES.

The next Part will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

918. JUDITH READING was indicted for feloniouſly ſtealing on the 7th day of October, ſixteen yards of printed cotton, value 21s. the property of William Hunſdan, privily in his ſhop.

WILLIAM HUNSDAN *ſworn.*

I know the priſoner by coming to my ſhop; I live in Ship Alley, Well-cloſe-Square; I am a linen-draper; on the 7th of this month ſhe came to my ſhop between twelve and one, a man came in along with her, ſhe came behind him; a man came and aſked for ſome ſtockings, I was ſerving the next witneſs with ſome table cloths at the ſame time; in the interim ſhe made ſeveral ſigns to me that the priſoner had ſome of my property under her cloths; I ſaw the priſoner have ſomething under her cloak, I did not know it was my property, nor I did not underſtand what this gentlewoman meant by it; the priſoner aſked the gentlewoman to go and drink a pint of beer with her; ſhe dropt the linen down in the ſhop, and this gentlewoman picked it up.

What was it? —— Furniture cotton.

What quantity?—Sixteen yards.

MARY HALFWRIGHT *ſworn.*

I did not ſee the good woman take any thing, but I ſaw ſomething under her cloak.

What was it you ſaw under her cloak?—A piece of linen.

You did not ſee her take it?——No.

Did you ſee her drop it?——No; I ſaw a ſailor pick it up.

Are you ſure that which was taken up was what you ſaw under her cloak?—Yes.

Was any body on the ſame ſide of the compter ſhe was when it was dropped?—The ſailor and the man that was with her; he was on that ſide too.

Was it taken up immediately?—I cannot ſay.

What time do you think there might be between the time it was dropped and taken up?—About two or three minutes; I miſſed the piece off the counter; there were two pieces laid on the counter, and one of them was gone.

Did you ſee that piece under her cloak that was miſſing?—I believe it was.

But are you ſure?——No, it appeared under her cloak.

How came the proſecutor not to ſee it?—I do not know.

Court to Proſecutor. Did you miſs the piece off the compter?——No; I was buſy; the man ſtood at the compter.

Are you ſure that was one of the pieces that lay on your compter;——Yes; it was juſt brought in; I had juſt bought two

pieces

pieces of it; I knew it immediately; this is the piece.

Court to the Woman. You cannot ſwear that that is the piece you ſaw under her cloak?—No my Lord.

PRISONER's DEFENCE.

I came into that place to buy a yard and three quarters for a bedgown; I ſtood by this gentleman here behind him; I had this handkerchief tied up and three quarters of a yard and the forebody of a gown and a two-penny loaf, ſo I took this ſtuff out to ſee if I could match it, and I put it ſo under my arm before this good woman; one of the ſailors came behind me and gave me a tap, and aſked me if I would give him any beer; there was a piece of cotton on the ground; this gentlewoman took it up directly, and came and challenged me with this piece of cloth; I left mine at home.

THOMAS TAYLOR *ſworn.*

On the 7th of October I was fetched to take charge of the priſoner; I took her up to the watch-houſe and ſearched her; ſhe had about twelve ſhillings and ſix pence in ſilver, and about ſix ſhillings in half-pence, and a piece of green ſtuff for a gown, about a yard, and they would give charge of a ſailor who was with her, and told the proſecutor that he picked it up.

Proſecutor. When the ſailor picked up this cotton, he made a great noiſe in her preſence, and ſaid ſhe ſhould be committed, he would commit her himſelf, that was ſaid in her preſence.

Priſoner. The ſailor ſaid himſelf the piece of cloth lay there before I came into the houſe.

Proſecutor. I am ſure that was not the caſe.

THOMAS CUNNINGHAM *ſworn.*

Court. Let me give you a little caution of what you ſwear. Remember now you are upon your oath; take care all you ſay is true.——I went to the ſhop and aſked for a pair of ſtockings of the gentlewoman of the ſhop, and ſhe told me ſhe had none, and when I went in I ſaw this piece on the ground, and this woman afterwards came in; the priſoner came in after me; I was in the ſhop before ſhe came in.

You are ſure the piece was on the ground?—Yes my Lord; there are two more witneſſes at the door now.

Was you there when the conſtable and they were altogether?—Yes, I was.

Who was there beſides the conſtable and you?—There was a gentlewoman and two ſailors.

Are the two ſailors here?—I cannot ſay, the gentlewoman of the ſhop was there alſo.

Perhaps you did not hear any thing of her being angry about the ſailor telling ſhe took the things?—No.

Did you inſiſt upon it then, and tell the conſtable and the proſecutor?——I gave charge of the ſailor to Mr. Taylor.

Was the ſailor in the ſhop before you came?—Yes; he juſt came in.

Proſecutor. The ſailor did not go to that part where the furniture was.

Court to Cunningham. You are ſure this was on the ground when you came into the ſhop?——Yes.

Court to Proſecutor. Did any other man come into the ſhop but that man for the ſtockings?——No.

MARY DONNAHO *ſworn.*

Court. Let me give you a caution to take care what you ſay; remember you are upon your oath.——The very ſame day I was coming along; I live on the otherſide the water; I was not in the ſhop; I was going to the ſame houſe to buy a ſhirt and the young man that is here was along with me; he aſked me to go to that ſhop to buy another ſhirt for him; I had bought one before there for him; after I came to the door he aſked me to buy as much cotton as would make a ſhirt for him; I told him there was no cotton, I had aſked for ſome once before, I was obliged to buy ready made ſhirts, I bought a ready made ſhirt for ſeven ſhillings, ſtriped linen; then we ſtood and I told them we could buy one of theſe very cheap; after we ſtood at the door, we did no go in,

I ſaw

I saw the woman do no harm; I saw the woman go in, and when she went in she had something in her handkerchief; I saw something on the floor, as I really think now, it was something red or something red and white, and she had something in her hand, which she had in her handkerchief.

You did not go into the shop, nor you did not follow her?——I cannot tell, I cannot swear I saw something on the floor red and white, but I did not see any body take any thing up; this woman went into the shop, I saw her going into the shop.

Did not you stand at the door?—I would have gone into the shop only the young man did not like to buy the cotton.

How could you see what was there, you do not know what it was you saw laying?--I cannot tell.

Court to Prosecutor. Do you remember this woman being there?——No, I never saw the woman before in the shop.

Court to Halfwright. Did the woman give you a hint to drink part of a pint of beer, after you had given a hint about the the linen?——Yes; I saw the woman come in and the two men; I am sure the linen lay on the compter at that time; it lay to the right hand.

Court to Prosecutor. Did that man buy any stockings?—No, he did not.

GUILTY

Of stealing, but not privately.

To be privately whipt, and confined to hard labour twelve months in the House of Correction.

Tried by the first Middlesex Jury before Mr. Justice NARES.

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919. JOHN DAVIS was indicted for feloniously stealing on the 16th day of September last, one gelding, price 10l. the property of William Mansell, Esq.

WILLIAM MANSELL, Esq. *sworn.*

On the 2d of September I missed my gelding from Woods-end, where there was an encampment during the summer; I suppose it was stole in the night, between the first and second; he was taken out of the stable; it was a grey gelding about ten years old; I had it about a fortnight; I found it again on Saturday morning when I was relieved from guard at Windsor; I found the gelding at Sir Sampson's Office; I do not recollect the day.

How long after the loss?—About a week.

Do you of your own knowledge know any thing of the person that stole the gelding?——No, only that I found the prisoner and the gelding at the office.

JOHN SHALLARD *sworn.*

On the 15th of September, I took the prisoner at a place called Hoddesdon, in Herts, and I brought him to Bow-street, and there he confessed where the gelding was left, in consequence of that I fetched it.

Where did he say the gelding was?——At Bow, in Middlesex.

At whose house?——At Mr. Webb's, the sign of the plough, he could not rightly tell me the house, but I traced it, and found it there.

——— WEBB *sworn.*

I keep the Plough, at Bow.

How came this gelding there?——The prisoner brought it the 4th of September, it was found at my house the 15th, I had taken out an advertisement to have it advertised, which was to be put into the paper the day after; he brought it to me with three shoes on, and ordered me to get it shod, which I did; he brought it on a Sunday, and wanted to have it shod that day, I told him I could not, he went to Bow, to get it done there, but could not? I saw him on the horse, he was alone when I saw him, he came back again and staid at my house all day on Sunday night, and Monday morning till near nine o'clock at night, and went away without saying anything to anybody belonging to the house, I got the horse shod according to his orders,

ders, I ſaw no more of him till I ſaw him at the office.

PRISONER's DEFENCE.

I know nothing about the horſe.

What are you?——I am a hair-dreſſer, I was apprentice in King-ſtreet, St. James's, I am lately come from Paris, I have friends but moſt of them are in the country, except one Mrs. Patridge, who is here.

(Called but did not anſwer.)

Court to Mr. Manſel. Did you know anything of this man?——He is a ſoldier in the twenty ſecond regiment, which I belong to, I cannot rightly tell how long he has been in the regiment, I think about three years.

GUILTY, Death.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

---

920. WILLIAM POWLEY was indicted for feloniouſly ſtealing, on the 16th of October, one black gelding, price 5l. the property of William Otteridge.

WILLIAM OTTERIDGE *ſworn.*

I live in Short's Gardens, near Long Acre; on laſt Sunday evening I loſt a horſe, which was at graſs at Finchley, where I have a farm, I ſaw him about half after five in the afternoon; he was miſſed on Monday morning about ſeven; my man miſſed him; I came to town, and heard of him on the Monday morning at the Blue Anchor, in Saint John-ſtreet; I never ſaw the priſoner before; the horſe was mine; he was a black horſe, with two white feet behind, and a long tail; I am quite ſure he was my horſe; I have had him near ſeven years.

JAMES CHARLES *ſworn.*

I am one of the patrol; I miſtruſted the priſoner; I thought the horſe too good to be his; I aſked him where he was going with that horſe; the firſt word he anſwered me was, he was going to the horſeboiler's, I told him I thought it was too good a horſe for that, and that he did not come honeſtly by him, and then he ſaid he was going to the Bull Inn in Biſhopſgate-ſtreet; then I called one of my men to my aſſiſtance, and I walked down by the ſide of the man, and he told me where he had the horſe from, he ſaid he took him out of the field near the Green Man upon Finchley Common, and he had this ſtring on his head.

Did you make him any promiſe, if he would tell you the truth?—No, my Lord, I am ſure of that; I was preſent when the proſecutor owned the horſe; it was the ſame horſe that I found upon the priſoner.

SAMUEL COX *ſworn.*

I know no more than being ſtationed as a patrol, and my fellow ſervant, Charles, called me to his aſſiſtance, and when I came there was a black gelding, and this lad with him, and we went with this lad and the horſe to the Blue Anchor; I aſked the lad how he could do ſuch a thing, and he ſaid he meant to take him to his own country to ſell him, and buy him ſome clothes to get him a place; I was preſent when Otteridge ſaw the horſe; it was the ſame horſe that was taken on the priſoner.

Court to Proſecutor. Theſe men were preſent when you looked at the horſe?——Yes.

Priſoner. I have nothing to ſay.

Have you any witneſſes?—No.

GUILTY, Death.

Recommended to mercy by the Proſecutor and Jury.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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921. WILLIAM SHERGOLD and EDWARD PRESTON were indicted for feloniouſly aſſaulting George Haines on the King's highway on the 18th of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, one cloth jacket, value 4s. his property.

GEORGE HAINES *ſworn.*

I have been out of place about a fortnight; I went into a public houſe in Ruſſell-ſtreet to have a pint of beer, and I ſaw the priſoner Shergold; I never ſaw him before in my life, and he ſaid, Jack, how do you do, and he aſked me to lend him a ſhilling, but I told him I had only eighteen-pence, and he put his hand on the outſide of my pocket, and ſaid, here is money, and I told him I would tell him the truth, I had three ſhillings, and in half-pence I had about three ſhillings and ſix-pence then; I lent him a ſhilling, as he aſked me; and in a little time he came to me, and ſaid, I wiſh you would lend me another ſhilling, and I lent him another ſhilling, and in about ten minutes after that he came up to me, and told me he was going to take a room at three ſhillings a week; and that I ſhould not want for a lodging, or any thing elſe, and that he was going to receive five thouſand pounds in a little time, and I ſhould not want, if I would lend him another ſhilling; when he had the three ſhillings, and had drank the beer that he had, he aſked me if I would come to Mr. Lewis's with a boy's father and mother that were there, and he ſaid, we could have a pot of beer; I went with him, and we had a pot of beer; when that was drank the priſoner went away, and came again, and his acquaintance that was with him; ſoon after they came in again, and I ſtaid a little while then; I went away, and on Saturday I ſaw them again, and ſtaid a little while with them; then I went away, and ſaw no more of them till Sunday; then I met the priſoner Shergold, and he aſked me to go to Mr. Lewis's, and we went into the Long Fields; I ſaw him again about ſeven, and the other priſoner was with him then, and I told them I lived with Mr. Combes, Biſhop's Court, Lincoln's-Inn, and we went that way, and he took me to the back of Lincoln's Inn Gardens, and he bid me go to my maſter's public houſe, and order a pot of beer, and change for half a crown, and meet the boy, and ſend him for another pot; then he aſked me if I could take up any money or bacon, or beef, in my maſter's name; then, ſays he, could not you ſteal any thing of a gold watch, or any thing of that kind, I ſaid I would not; then the priſoner Preſton ſaid, you bloody b——r, if you will not, you ſhall ſtrip, or I will cut your bloody melt out; then Shergold laid hold on me, and he could not well manage me, then Preſton pulled me, but I was ſo frightened, I let them pull it off without any more; while I was pulling my jacket off, another that was with the priſoners ſnatched my hat off; I ſnatched it back, and they all three made off; I then went to Bow-ſtreet to give information.

What are you?——I was errand boy to Mr. Combes; I lived there about half a year; I left my place becauſe I could not wait at table well enough; I am about fifteen; I never ſaw Shergold before that time at the public houſe.

How came you to lend him money?—Becauſe he told me he would pay me again, and he had five thouſand coming to him, though he was in diſtreſs.

Did you think there was any likelihood that ſuch a fellow as him ſhould have five thouſand pounds?——I did not know what there was; I did not know he was a thief.

Where is this Lewis's houſe that they took you to?—In Red-lion-court, in Ruſſel-court.

What is this Mr. Lewis?—— I believe he is a very honeſt man; he blacks ſhoes; I only knew the name of one of the priſoners at that time, that was Shergold, I never ſaw the other before that Sunday night, but I am ſure he is the ſame perſon; I knew him by ſight as well as I know Shergold; I am quite ſure of both of them.

Priſoner. Is not the ſhirt he has on mine?——This is not it, for I took off the ſhirt that he lent me, and it is now waſhing; he had one of my ſhirts, which coſt me

me ſix ſhillings, and he pawned it for three ſhillings, but I never had a farthing of the money; he lent me his ſhirt to put on as I had no other.

JOHN SHALLARD *ſworn.*

The proſecutor came to Biſhopſgate-ſtreet, and gave information that he had been robbed by one Shergold, I knew him very well, and I was after him all day, and I found him at night at Drury-lane Play houſe door; the proſecutor told me the ſame ſtory he has you; I did not take the other priſoner.

JAMES BAYES *ſworn.*

I am one of the patrol belonging to Saint Giles's and Bedford-ſquare, I took the priſoner Preſton at two o'clock in the morning; the proſecutor was ſtanding in his ſhirt at the door of a lodging houſe in Dyot ſtreet, and he ſaid, that the man that had robbed him of his jacket was gone up ſtairs, I went up, and took him out of bed; as we were taking Preſton to the Juſtices he ſaid, going along, if the proſecutor would but forgive him he would give him the coat off his back; I ſaid to Preſton, you had better tell us what you have done with the lad's clothes; with that perſuading him, he told us where the things were; I found the jacket in the houſe of a man named Palmer, who bought the jacket; he is here.

BENJAMIN PALMER *ſworn.*

I had this jacket of the priſoner Preſton; on Sunday about nine o'clock, he aſked me to lend him a little money upon it, as he was diſtreſſed, and could not pay his lodgings, I ſaid to him, I do not lend any ſuch thing, nor buy on Sunday nights, I ſaid you have ſtole it, he ſaid, no, it is my own property, but I would not lend him anything upon it, and away he went, and in two or three minutes after he came back and I told him I would give him eighteen-pence for it, and he took the eighteen pence, and went away.

Are you ſure he is the perſon?——I really believe, to the beſt of my knowledge, he was the perſon that brought it; I never ſaw him before, but he is the ſame man that came the next day.

Have you any doubt that it is him?—— I have not.

Was anybody with him when he produced the jacket?—Nobody.

What are you?—— I keep a chandler's ſhop, and a pawnbroker's, I did do, but I have laid that by; I buy and ſell old clothes in Bambridge-ſtreet, Saint Giles's.

What would you ſell that jacket for?— I offered to ſell it the next day for two ſhillings, and I was bid one ſhilling; it is worth to the wearer two ſhillings or half a crown.

Bayes. It is worth about three or four ſhillings to the wearer.

PRISONER PRESTON'S DEFENCE.

I am not the lad that ſold the jacket, and at Bow-ſtreet that man ſaid it was a man taller than I.

PRISONER SHERGOLD'S DEFENCE.

We went to Biſhop's Court, the proſecutor took us there to rob his maſter, and he ſtripped off his jacket and his hat, and gave the jacket to this lad, who went and pawned it for eighteen-pence; Preſton did not pawn it.

Court to Proſecutor. What became of your ſhirt that Shergold had?—I never ſaw it ſince.

Which was the beſt ſhirt?—Mine coſt ſix ſhillings, and his would not pawn for anything.

WILLIAM SHERGOLD, EDWARD PRESTON, } GUILTY **Death.**

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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922. GEORGE MANNING, alias FRANCIS HILL, WILLIAM NICHOLSON, and MARGARET CADWELL, were indicted for burglariouſly and

and feloniouſly breaking and entering the dwelling houſe of William Roſe, about the hour of eight in the night, on the 28th day of September laſt, and burglariouſly ſtealing therein, four linen frocks, value 7s. a linen ſhift, value 2s. a looking glaſs, value 2s. one ſheet, value 2s. three aprons, value 8s. one linen gown, value 4s. two ſtuff petticoats, value 16s. three ſhirts, value 15s. a pair of ſtays, value 20s. a ſilk cloak, value 10s. a ſilk handkerchief, value 2s. two linen handkerchiefs, value 18d. three ſtocks, value 18d. and one linen tablecloth, value 4s. the property of the ſaid William Roſe.

William Kendrick, an accomplice, ordered out of Court by Mr. Garrow.

WILLIAM ROSE *ſworn.*

I am a poor labouring man, I work hard for my bread, I live in liquor-pond-ſtreet, Horn-alley, I am a houſekeeper; I loſt the things mentioned in the indictment on the 28th of September laſt, I was not at home when it happened, I know nothing about it; I came home about eight to go to bed, and I found my houſe door broke open, and my things gone, here is the lock of my parlour door that was broke, there was no mark of violence on the outſide door, only opened, I called to Mary Moore, who was locked in, I aſked her how ſhe could lay there, and let my houſe be robbed; ſhe ſaid ſhe was locked in, and then I burſt open the door, and took her out of bed by force, and ſent for Mr. Iſaacs to take her into cuſtody; then I ſent for the priſoner Margaret Cadwell, as I ſuſpected her, ſhe lodged in the houſe; then we went before the Juſtice.

What did you loſe?—The things mentioned in the indictment, I miſſed them out of the drawers in the parlour; I never found any of them, except one ſilk handkerchief, on Snow-hill, at a pawn-broker's; the priſoner Hill uſed frequently to come to the houſe; I ſuppoſe he lodged with ſome woman in the room.

MARY ROSE *ſworn.*

I went out and locked the door, and carried away the key, I left nobody in my room, the priſoner Cadwell was not at home above ſtairs.

Were your drawers all ſafe when you went away?——Yes.

It was hardly dark when you went out?—Juſt upon duſk, hardly dark.

I ſuppoſe your ſtreet door in the day time is open?——It goes with a ſpring lock, I pulled it to, and it was faſt.

What time did you come home?——About half paſt eight, I found my huſband at home, he brought the key with him; when I came home I found my room ſtripped of every thing; here is a liſt of what I loſt, they are the things mentioned in the indictment, they were in my drawers in the parlour; nothing has been found but one handkerchief.

What is your reaſon for charging the three priſoners?—Becauſe they confeſſed.

Did you hear them confeſs?—Yes.

Which of them did you hear confeſs?—Mary Moore and William Kendrick.

Did you hear any of theſe people at the bar confeſs any thing?——No.

MARY MOORE *ſworn.*

I lodge at this houſe.

How long have you lodged there?—Not quite a fortnight.

Who elſe lodges in the houſe?—Mary Welch.

Did you lodge with her?——Yes.

Were there any other lodgers in the houſe?——Mary Cadwell, all in the ſame room.

Did any of theſe men lodge there?——Francis Hill came there to Mary Welch.

Do you remember the night this room was robbed?—Three weeks ago laſt Wedneſday.

Where was you at that time?——Up ſtairs, in bed.

Tell me what you know about it?——Five weeks ago I was in Gray's-Inn-lane, between ſeven and eight, Francis Hill and Kendrick,

Kendrick, and another, I do not know his name, came to the ſtreet door of the proſecutor's houſe, and he aſked if the landlord was at home; I aſked him what he wanted; he made no anſwer; nobody was upſtairs but Margaret Cadwell and I, he ſtood at the ſtairs foot, immediately I heard a great noiſe below, as if the door was breaking open.

How did he get in at the ſtreet door?——I do not know; then Francis Hill came up ſtairs, and he aſked for a light; I told him there was neither fire nor candle, and he aſked Margaret Cadwell to fetch a candle; and ſhe ſaid ſhe had no money, and ſhe went down ſtairs, and one of them gave her a halfpenny, I do not know which it was, then while ſhe was gone Francis Hill came to me and ſaid, d—n his eyes he had broke the door in, and he ſaid Bill Kendrick was in the room, and if the old b——r came while he was robbing the room, Bill Kendrick ſhould knock him down; Francis Hill ſaid, if Kendrick was knocked down, he would believe to take him up, while Bill Kendrick bruſhed; then he went down ſtairs after a candle came; Margaret Cadwell brought it, and they were in the room about ten minutes after; Margaret Cadwell came up ſtairs to me directly when they had done, they ſtood at the ſtairs foot, and one of them called to Margaret Cadwell to take one of the bundles, which ſhe refuſed, then they went about their buſineſs, and Margaret Cadwell ſeemed very much frightened, and ſaid ſhe would not ſtay in the houſe, I begged ſhe would, but ſhe went away and locked me in, and went into Holborn to give Mary Welch the key.

How many men did you ſee in all?——I only ſaw Hill.

Could you diſtinguiſh the voices of any more than one?——No.

Do you know whether there were more than one there?——No, I never ſaw any more than one, I could hear more than one ſpeak, but I did not know his voice, I heard only one voice.

Mr. Garrow. You was very well acquainted with Kendrick?——No, I never ſaw him but once before.

What way of life have you been in?—I am a ſervant, but I have been out of place for ſometime, and I have been in the hoſpital for the King's evil.

How long have you been out of place?——About twelve months.

In what way of buſineſs have you ſupported yourſelf during that twelve months?——Firſt one thing and then another, I do a bit of needle-work, and go of errands.

Is that the way you have got your living?——I cannot ſay but it is.

I will not aſk you more about it, becauſe the gentlemen I dare ſay underſtand however you are one of the three women that uſed to ſleep with this man?——Sometimes I went to bed at ten o'clock, ſometimes I laid in bed all day, when the room was robbed I was in bed all day, becauſe there was no fire, nor I had no gown to put on.

Had there been any talk about breaking into this old man's room?—I heard none.

The landlord ſuſpected you had robbed the room, did not he?——Yes, he carried me before the Juſtice.

When was it that you firſt told that ſtory?——That very night, before I went before the Juſtice, I told the conſtable of it, he is here.

You told us about bruſhing by, running away, how long have you been acquainted with that ſort of language?—I heard one of the gentlemen ſay ſo.

Which gentleman, one of the officers?——Yes.

How long have you been acquainted with Kendrick?——I never was acquainted with him in my life, I was not acquainted with him when he was tried the laſt time; I do not know how often he has been tried here.

WILLIAM KENDRICK *ſworn.*

Court. Relate what you know of the robbing Roſe's houſe?——Between the hour of ſeven and eight laſt Wedneſday was three weeks, I was going to my mo-

ther's houſe in Holborn, I met Nicholſon; he aſked me where I was going.

Mr. Garrow. I take the liberty of ſubmitting to your Lordſhip, that there is no evidence againſt Nicholſon.

Court. I hold, that it is regular to hear an accomplice in any ſtage of the proſecution, whether afterwards it deſerves credit will turn out upon the whole evidence, in which, to be ſure, care will be taken to ſeparate, but I cannot at preſent, cut the evidence to pieces in the courſe of the narration.

Kendrick. We went up Brook-ſtreet, and went to the Barley-mow in Gray's-Inn Lane; coming up Holborn, we met Francis Hill at the corner of Gray's-Inn Lane, and he ſays, where are you going; ſays I, nowhere in particular; ſays he, if you will go with me down to the houſe where I lodge, the landlord is out of the way, and we can break open the place and get all the property out; I aſked this Nicholſon whether he was agreeable to go, and he ſaid yes, and all three of us went as hard as we could down to the houſe; when we came there, there is a kind of a yard about three yards from the ſtreet-door that goes in with a little gate-way, and this Hill told us to ſtop there while he went to enquire whether the landlord was at home; he went upſtairs and came down again, and ſaid, no, there is nobody at home, let us go in, and immediately all three of us went up to the parlour door, the lower part, and we all three of us ſhoved the door open by the force of our hands.

Was the door only put-too, or locked?--It was faſt.

How did you get the door open?—By the force of our hands, but i could not ſee then whether the lock was broke; afterwards, ſays I, we want a candle; Hill went up immediately to Cadwell and ſays, have you got any candle, no, ſays ſhe, have you got the parlour door open; ſays he, come down ſtairs and he (meaning me) will give you a halfpenny to buy a candle; ſhe came down ſtairs and I gave her one, and ſhe felt in the dark; it was a new halfpenny by the roughneſs; ſhe ſaid it was a bad one, and I gave her another, then ſhe returned with a candle and ſhe came into the yard and ſaid, here is the candle, do you want it lighted, and Hill ſaid, what do we want with a candle if it is not lighted, and ſhe went over the way and lighted it, and came and gave it to Hill; ſhe went up ſtairs; then we all three went into the room and ſhut the ſtreet door, and the parlour-doors, then we opened the drawers and took out all the property that is mentioned in the indictment; I packed them up in three bundles; after we packed them up in three bundles, we packed one up in this, Nicholſon's apron, and another in a black petticoat; I cannot tell what the third was packed in; we each took a bundle and called Cadwell to take the candle, and I ſaid to her, put one of theſe bundles in your apron and come along with us; ſhe declined doing that, but took the candle, and told us to wait a few minutes at the bottom of the ſtairs; the other two men went out, and I waited a few minutes for her coming down, and ſhe did not come down, and I went away and pulled the ſtreet door after me, then we carried the property into Leather-lane and into Holborn, and we went to a coach that was in the rank, and put the property in, and carried it to the Windmill-inn, in St. John's-ſtreet, Smithfield, and ſold the property for thirty-ſix ſhillings to one Mrs. Carter that lives up in the gallery; after we had ſold it, I happened to put a ſilk handkerchief that belonged to ſome part of the property, in my coat pocket; coming down Snow-hill, I felt in my pocket, and ſaid, here is a ſilk handkerchief that belongs to part of the property; Nicholſon ſaid, go in and pawn it; I declined it, and he went in and pawned it at one Mr. Cordey's on Snow-hill, for eighteen pence, and he came out and brought but three ſix-pences, and he gave us ſix-pence apiece and kept ſix pence himſelf, and we went to Holborne and we met Cadwell, and we aſked her to have ſomething to drink; we told her where we were going, to the Barley-mow, and ſhe came in half an hour, and the landlord would not let her in, he gave her a glaſs of gin, and ſhe went out, and we never ſaw nothing of her till ſhe was apprehended; after that we ſat there and had

ſome

ſome ſtakes and beer, and we thought it time to come away; I ſtill had the money in my pocket the things were ſold for, and going towards Drury-lane, there was a tallow-chandler's ſhop open; there was a candle in the window, and they deſired me to give each of them their ſhare, and I took out the money by the light of the candle, and gave each his ſhare; then we went down Drury Lane and had a pot of beer and ſmoked a pipe; then we all agreed to go to Nicholſon's lodgings, in Baldwin's Gardens; we all went there, and went to bed; the next morning we got up and went to a public-houſe, and had ſome purl, and ſo it paſſed for three or four days, till Sunday came, then I was apprehended in bed.

Where was your home?—No. 12, Ely-Court, Holborn.

Mr. Garrow. Mr. Kendrick, you tell this ſtory as eaſily as a man can read a chapter in the bible, as if it was to your honour; how long have you been engaged in this buſineſs?——About a twelvemonth, as far as I can recollect.

Is it not more than a twelvemonth ſince you was taken up with Berwick Mayton?——He was capitally convicted for privately ſtealing, I was neither a witneſs or anything elſe.

How often have you been in cuſtody ſince?—I cannot tell, that is an odd queſtion to aſk.

You are as often in cuſtody as out?——No, not quite, I cannot tell.

Give a random gueſs, we will not quarrel for a dozen times?——I cannot give no random gueſs, I may have been once taken up or ſo by a warrant.

Do not you know that you have been much oftener at Bow-ſtreet than once?—No.

Have you never been a witneſs againſt your accomplices?——No.

Are you ſure of that?——No.

Did not you keep that handkerchief on purpoſe for them to pawn it?—It was all a random affair, I did not like to go into that ſhop.

Why did not you like to go into Mr. Cordey's?——I declined doing it, I had no reaſon.

Was not your reaſon for not going in, that they might not be evidence againſt you?

Who propoſed going to Mrs. Carters?—We all know the place becauſe Nicholſon, I believe, had never been employed in any ſuch thing before dealt had been about ſix months.

A ready receiver for anything you carried to her?—I believe ſo, I believe ſhe does in caſe we have anything of that kind to give her, I never ſold her none.

You only deal in this ſort of way?——I do not know what ſort.

I ſuppoſe if there had been any plate in the houſe it would have been all the ſame? We ſhould not have left it behind, Mrs. Carter lives there now, if ſhe was not left behind, I did not ſqueak after I was taken, I ſtood out a week, and then I ſhould not have ſqueaked if it had not been for other people, I thought this woman would have done it, Margaret Cadwell, I know they were taken up a week after I was apprehended, I believe it was the Saturday evening after.

JOSEPH JACKSON *ſworn.*

I heard of the robbery before, but I took Mr. Hill and Nicholſon, they were both together in a court going down to the footman in waiting, in Charlotte-buildings, this was on the 8th of this month, between eleven and twelve.

Mr. Garrow. Your information I believe, was againſt Hill only?—Yes, it was.

Was that after the other fellow was in cuſtody?—Yes.

Was it from him you had the information?—No.

You took Nicholſon becauſe he was in company with the other?—I did.

You knew Kendrick of old?—Yes, and I knew Hill too.

I did not aſk you that.

——— JONES *ſworn.*

I know nothing more than the taking theſe two men, I was with Jackſon.

THOMAS ISAACS *ſworn.*

On the 28th of laſt month, I received information

information that this gentleman's house was broke open, and I took Mrs. Moore she that was in the house, in consequence of my going in she said she thought it was very hard she should suffer for other people; and I asked her what she meant by that, and she said it was such people that did it; the next morning, she told the magistrate, and in consequence I took Kendrick.

——— HUTCHINSON *sworn.*

I was sent for last Saturday was a week at night, by a party belonging to our patrol, I went down stairs, I went to the Black Dog, there were Hill and Nicholson together, Jones and I went to Nicholson's lodgings, and there was found a green coat, which the prosecutor believes the same coat that Hill had on the night the robbery was committed; there was a dirty shirt and a dirty handkerchief, and two or three of them things, but I only brought the coat.

JAMES MACMANUS *sworn.*

I only went to the pawnbroker's.

JOHN BAXTER *sworn.*

I am servant to Mr. Cordy, I have the handkerchief which was taken the 28th of September in the name of Jackson, I do not know the person that brought it.

Did you take it?—I do not know.

Where is your master?—He is at home.

Is that your practice to take in things without making any memorandum who takes them; how many people are there in your shop?—Three, two of us take in the things; there are so many persons we see in a day it is impossible to know one single person.

That I grant you, but you might put in a memorandum upon it?—Sometimes I take them in, and sometimes the other man, and if we are busy, we tell the boy to write the bill.

Court. The trade must be suppressed if it is carried on in that manner, it is making the pawnbrokers shops, a nursery for thieves?——Mr. Cordy sent me voluntarily to come.

Jackson. My Lord, I went to tell them to come voluntarily, or if not, I should take out a summons.

Court. It is very easy to make the initial letter of the person's name that takes in the things, then you would always know?—We lent eighteen pence upon the handkerchief.

Prisoner Hill. I leave it to my Counsel.

The prisoner Hill called three witnesses who gave him a good character.

Prisoner Nicholson. I leave it all to my Counsel.

The prisoner Nicholson called eight witnesses who gave him a good character.

Prisoner Cadwell. I know very little about it.

The prisoner Cadwell called six witnesses who gave her a good character.

G. MARDEN alias F. HILL, } GUILTY Death.

WILLIAM NICHOLSON, MARGARET CADWELL, } NOT GUILTY.

Court to Kendrick. I discharge you without any exhortation, because it will be thrown away, I have no hopes of you, I have no doubt but you will come to the gallows.

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923. WILL. VANDEPUT, JAMES BEAMAN, FRANCIS STORER, and DANIEL EAST, were indicted for burglariously and feloniously breaking and entering the dwelling house of Lewis Teissier, Esq. about the hour of eight in the night, on the 3d day of September last, and burglariously stealing therein one bale, containing 160lb. weight of silk, value 260l. the property of Francis Bruisset and John Nichols Boisshey, in the same dwelling house.

A second count, For burglariously breaking and entering the dwelling house of the said Lewis Teissier, and stealing a bale of silk, his property.

A third count, For stealing the said bale of silk, the property of Bruissett and Co. in the dwelling house of Lewis Teissier.

A fourth count, For stealing the same, the

the property of Lewis Teiſſier, in his dwelling houſe.

A fifth count, For ſtealing the ſame, the property of Bruiſſet and Co. in a certain out-houſe belonging to the ſaid Lewis Teiſſier, and belonging to his dwelling houſe.

A ſixth count, Charging it to be the property of the ſaid Lewis Teiſſier, in ſuch out-houſe.

(The witneſſes examined apart.)

The Indictment opened by Mr. Garrow, and the Caſe by Mr. Silveſter.

JOHN CLOSE *ſworn.*

I am one of Mr. Teiſſier's clerks, I remember locking up the warehouſe, about twelve at noon on this Saturday, the 3d of September, I depoſited the key in the compting houſe, which joins to the houſe in Broad-ſtreet, it is the other ſide of the houſe not within the yard, I did not go to the warehouſe any more that day, as far as I know; there was no occaſion to go there again that day, I went there between eight and nine the Sunday morning; my buſineſs for the day as to that warehouſe was over at twelve: on Sunday morning between eight and nine, I found a bale of Piedmont ſilk was gone, marked B. B. C. No. 7, I cannot tell the weight of it, I ſuppoſe about one hundred and ſixty or one hundred and ſeventy pounds; it was with Mr. Teiſſier before I came to him, the value I fancy is about two hundred and ſixty pounds.

Whoſe property was it?—Francis Bruiſſet and Co. of Turin, I do not know the other partner's name, I believe it was conſigned to Mr. Teiſſier, but I do not know it.

Mr. Morgan, one of the Priſoner's Counſel. Is twelve your uſual time of locking the warehouſe?——There is no uſual time, ſometimes I go in the afternoon, I hung the key up in the compting houſe, the place where it always hung.

Did you ever ſee the key afterwards, before you miſſed the bale of goods?—I did not look for it.

The compting houſe is open to the reſt of the people belonging to it?——Yes.

There are a variety of people come into the compting houſe during the whole remainder of the day?——No.

PETER FRANCIS DESPOND *ſworn.*

I am butler to Mr. Teiſſier, No. 22, in Old Broad-ſtreet, the warehouſe is next to the Exciſe-office.

What is next on the otherſide?——The Old South-ſea Houſe; on Saturday the 3d of September, I ſhut up the gates between ſix and ſeven, the ware-houſe doors were pulled quite cloſe, I do not know whether it was locked or no, I ſhut the gate and double locked it, and I put the key in my pantry, and double locked the pantry, and put the key in my pocket, and went out; the key was in my pantry as I left it, when I came home between nine and ten, and the maid told me the warehouſe door was open.

Mr. James, another of the priſoners counſel. I take it for granted, there was nothing particular to induce you to look at the warehouſe door this evening more than any other?——No.

You ſaw it was ſhut?——Yes.

Whether it was locked or no you cannot tell?—No.

LEWIS TEISSIER, Eſq. *ſworn.*

Deſcribe the ſituation of your warehouſe, and how it is connected with your houſe?——The warehouſe is in a yard, of which the wall joins the Exciſe-office, it is the partition wall over the warehouſe and my bed-room; there is a gateway from the ſtreet, ſeparate from the door of the houſe, where the carriage part of my warehouſe buſineſs is tranſacted, my parlour is part of the old South-ſea Houſe, and the rooms that are over that parlour are not mine, they are lodgings belonging to the South Sea-houſe, my two compting-houſes run from that parlour likewiſe, making part of the South-ſea Houſe a door to the South-ſea yard, and to that door people come through a gate in the South Sea-houſe; this gate is common to me with Mr. Grindall; he has for a long ſeries of years had recourſe to that yard, and his coachman had a key; there is an acceſs

to my warehouſe door through my kitchen, but that is only relative to my family, there is no communication between any part of my houſe and the warehouſe.

Court. How is this warehouſe held?—It goes with the leaſe; there is a gateway as I have told you, and over that gateway there is a dreſſing-room which joins to this bed-room where I ſleep, and all the reſt of the houſe is drawing-rooms, and ſo on, which run into one another; I was out of town when this robbery was committed, I came to town on Monday morning, I had loſt a bale of Piedmont ſilk, B. B. C. No. 7, conſigned to me from Meſſrs. Bruſſet and Co. of Turin; it was ſent to me to be diſpoſed of with eleven other bales; it came to me for 200 weight of Turin, that is always delivered in here for 160 lb.

What might be the value of it?—From 26l. to 27l. this is my own ware-houſe, nobody has any concern in it, and nobody has a right to go into it unleſs the people of my own houſe.

SOPHIA SOUTHTON *ſworn.*

I am ſervant to Mr. Teiſſier; I went out on the 3d of September at a little better than half after ſeven at night, and returned a little after eight; when I returned I ſaw three men, one oppoſite the gateway, and one on each ſide of the ſtreet.

What gate do you mean?——The gate that goes into the yard where the warehouſe is; the gate at that time was open; I ſaw the little door open, and I went and knocked at the door, and my fellow ſervant let me in with a light, I told her there were three men at the gate, and we looked and ſaw the warehouſe-door open; I went to the Roſe and Crown and got two porters; they looked all about and they ſaw nobody; we could not tell what was miſſing that night till Mr. Cloſe come; the next morning he came and looked over the warehouſe, and ſaid there was a bale of ſilk gone; when I went out for the porters, I did not perceive any man, I ran out in a hurry, I did not take notice; it was not ſo dark when I came home firſt but I ſaw the men.

Should you know their perſons again?—No, the two men at the gate appeared to me to be dreſſed in dark coloured cloth, and one a ſhortiſh man.

Mr. Morgan. Are you ſure as to the time you came home?——Yes Sir, I heard the clock ſtrike eight as I came up London Wall.

How far was that from your houſe?——Very near, I was at home in a very few minutes after; the clock ſtruck eight when I got home.

SARAH BULL *ſworn.*

I am one of the ſervants; I was at home this evening, I went out with a candle, when the laſt witneſs came in, I opened the door and ſhe told me the little door belonging to the gate was open; ſhe ſaid there were two men at the gate and one oppoſite, I went out, and as I was going out to ſhut the gate, I ſaw the ware-houſe door open, that alarmed me much; we returned into the kitchen and locked the door, we went to the front window, and could ſee nobody, ſhe went to the public-houſe and got ſome porters to ſee what was the matter; ſhe came to the back door.

Is that a uſual communication to the houſe, or do they go by Broad-ſtreet?——They come by the front door, becauſe the little gate is always locked at duſk, that ſurpriſed me and made me aſk who was there.

JOHN COLLINS *ſworn.*

I am one of the porters, I watched in the warehouſe all night, nothing happened that night, I examined the warehouſe, when the butler came home we ſaw plainly the marks of the place where a bale was miſſing, I ſaw no perſon on that ſpot that night but Mr. Grindall's coachman; he was not there a great while.

What do you call a great while?—Perhaps he might be there ten minutes or a quarter of an hour, he might perhaps more.

Court. What time of night was it when you examined the warehouſe with Mr. Teiſſier's butler?——I believe it was near ten.

(*John*

(John Edwards called.)

Mr. Morgan. He is an accomplice

Court. Have you the record of any conviction againſt him?

Mr Morgan. My objection is, that in a capital caſe like this, this man is an accomplice, and is ſo acknowledged, and has been ſtated to the Jury as an accomplice by Mr. Silveſter in the opening, thefore, I apprehend your lordſhip will not examine him.

Court. An accomplice is by law a competent witneſs, the credit of his teſtimony is to go to the Jury, that is a rule of diſcretion that always prevails with Juries upon the ground of common ſenſe, that that accomplice ſhould not have credit unleſs his teſtimony is ſupported; I hold it the moſt ſatisfactory way to receive the teſtimony of the accomplice in the firſt inſtance, in order to introduce the circumſtances that gave him credit; I can conceive thouſands of circumſtances that would not be evidence till the evidence of the accomplice is heard.

JOHN EDWARDS *ſworn.*

I was coachman to Mr. Grindall, his coach-houſe was in the ſame yard with Mr. Teiſſier's warehouſe.

State to his Lordſhip and Jury what converſations you have had with any of the priſoners at the bar, and what you have done in their company with reſpect to any of the property of Mr. Teiſſier?——The priſoner Storer came to me to my maſter's ſtables in Mr. Teiſſier's yard, about a month or ſix weeks before this robbery, and aſked if all the buildings there were ſtables, I told him no, pointing to, or touching the ware-houſe of Mr. Teiſſier, he ſaid, did I know what goods, I told him I thought it was ſilk and indigo, he told me then that it would be worth *doing*, as ſilk and indigo were very valuable articles; that was all that paſſed at that time; the priſoner James Beaman and him came to me afterwards, and told me if I would aſſiſt them in robbing Mr. Teiſſier's warehouſe I ſhould be a partaker of whatever was taken out of the ſaid warehouſe.

Which of them ſaid that?—— Francis Storer and Beaman both, they came together; in a little time after, the ſaid Francis Storer and Dan. Eaſt came into the yard and aſked me for the key of the gate, which I gave them, that might be four, five, or ſix days after, I will not be certain which; I gave them to Storer, he aſked me if I could give him a piece of clay or wax, I told him I could not, he then picked up a turnip and cut it and laid a piece of writing paper on it, and took off the impreſſion of the key upon the paper, and then ſaid Dan. let us go away.

What did he do with the key?——He gave it to me again.

What did he do with this piece of paper?—He took it with him.

When did you ſee any of the priſoners again?——Some time after, about a fortnight, I ſaw Beaman and Storer; they came to me into the ſtable, and frequently took me to the cellar, under the exciſe office, to drink, but we never ſat down there; they brought a key that opened the wicket gate; they deſired me to unlock that lock, which I did; it went very hard; they came again, and brought a key, and aſked me to draw Mr. Grindall's chariot before Mr. Teiſſier's warehouſe door, and Beaman told me to draw the chariot before the warehouſe door, that he might have an opportunity of taking the marks of the lock, that he might not be ſeen putting in the key to prevent ſuſpicion as there was ſo many windows, I told him I could not think of doing any thing of the kind, as I never uſed to put it there; they went away again, and they came again; Beaman came again, and brought a key with wax upon it, and put it into the warehouſe of Mr. Teiſſier's; he then tried it, and ſaid, it was a very good lock, the wax took the impreſſion of the wards of the lock; then he ſaid it was a very good lock, and took the key, and all away with him; a little while afterwards they came to me, and deſired to know when it would be beſt for the warehouſe to be *done*, I told them on Saturday, by reaſon I ſhould be out of town with my maſter, the day of the month I do not know; the warehouſe was *done*

on

on the Saturday evening, I came home about nine; when I came home the alarm was given to me that Mr. Teiſſier's warehouſe was broke open, I heard that at the Roſe and Crown, where the key of my ſtable was left.

How ſoon after the Saturday evening did you ſee any of the priſoners at the bar?——The Sunday following, between nine and ten; then I ſaw James Beaman at the crown at Smithfield Bars; he at that time kept that houſe.

Were any of the others preſent at that time?——No.

What did he ſay?—Beaman ſaid, when I went in, that he, with ſome others, had got into the warehouſe of Mr. Teiffiers, and had taken away one bale of ſilk.

Did he tell you where they went to?——No.

Did he tell you how they went?——He ſaid they took one bale of ſilk away in a coach, which they had provided for the ſame, and there were ſuch and ſuch men with them, it is not right for me to mention their names; and he ſaid there was fourteen pounds five ſhillings and ſix-pence coming to me, which he paid me all in light money, which I objected to; he then ſaid, if they did not go he would change them for me, I owed ſome of the money, and I paid ſome of it, and he changed me one of the guineas; he ſaid they had *done* no more than one bale; they were prevented by a woman coming in at that wicket gate, and calling the coachman, and finding no coachman, ſhe went to the back gate, and that diſturbed them; and that woman ſaw three of them, and one of them in a white apron; I ſaw Beaman afterwards, he told me I was indebted to him two ſhillings and ſix-pence for my ſhare of *lumbering* the ſilk, nobody was preſent but him and his wife.

What is lumbering?——I do not know, he did not ſay.

Did he tell you what ſort of ſilk it was?——No, he did not tell me where he went, he ſhewed me a double-barrelled piſtol out of one of his pockets, and ſaid, if any of the porters had come during the alarm he was ready for them.

Mr. James. What do you ſay your name is?—John Edwards.

Be ſo good as to favour me with ſome of the other names by which you have been called; what are your common nick names?—I uſed to have the name of Jubilee Jack, by wearing a little round hat; I never went by any other name but that.

Do you mean to ſwear that?—Yes, that I never went, only by that name, and the name of John Edwards, I will ſwear that.

I underſtand you ſay you have lived as coachman with Mr. Grindall?—Yes, about four months.

Where did you live before?——I drove the Shrewſbury coach before.

How long ago was it when you drove the Oxford coach?—I never drove the Oxford coach.

Do you remember driving any coach in which there was a little accident of a parcel being loſt?—No.

Do you remember being in cuſtody on charge of ſtealing a parcel?—No, never in my life; I defy all the world to ſay I ever was before a juſtice or a court; I never was in cuſtody for ſtealing a parcel from any coach of which I was the driver, or of any other coach; I came from priſon here, I cannot tell the day I went to priſon, it was on a Thurſday after the 3d of September, about a fortnight.

What is the reward which is given by act of parliament for the conviction of perſons guilty of burglary?—I do not know.

Do you mean to ſwear that upon oath?—I do.

Will you ſwear that?——I will.

What! you never perhaps heard of ſuch thing?—I never was in a court in my life, if I ſuffer along with the priſoners I will ſay nothing but what is truth.

Do you mean to ſay likewiſe that you do not know the reward that was advertiſed by Teiffier?——Yes, I know that reward, but that is not to me, it is for apprehending and taking.

How

How did you know that ſuch a reward was offered?——By ſeeing it in the Public Adverti ſer.

When was that? — Every day ſince the robbery was committed; I ſaw it the next morning after.

The reward is one hundred and fifty pounds on conviction, and two hundred pounds more if full information ſhould be given to the ſatisfaction of the Jury; is that ſo?——I do not know.

Do not you know at this moment that a greater reward is to be given if a full plump round ſtory is told than merely if you come to give evidence? — I will ſay no to that; I do not ſwear out of fee or reward; I do not ſwear to take the men's lives away for the reward.

Why did not you diſcover the robbery the next morning?—Becauſe I was in danger of my life; I was afraid of being ſhot; I put it off ſix weeks, and told them I would have nothing to do with it till they forced me to do it; I was apprehended before I made any diſcovery.

What were you taken up for?——Upon ſuſpicion of having been concerned in this robbery.

Then it was you gave the information you are reciting now?——Yes.

Upon your oath, did not you mention the commiſſion of this robbery as a thing eaſy to be done by other perſons beſides the priſoners at the bar; mind the anſwer, and mind the queſtion, if you do not anſwer that queſtion, as I think you ought, I will give you a name to put you in recollection? —No, Sir, I never did.

You ſwear that you never have had any converſation about the commiſſion of this robbery previous to the time of its being committed, except with the priſoners at the bar?——I never had.

Had you no converſation of that kind with a man of the name of Bray?——I had not.

You fixed on Saturday, as moſt convenient for effecting this robbery?—I did.

You ſay in your evidence, that one of the priſoners picked up a piece of turnip, and cut it, and put ſome writing paper upon it, and took the impreſſion off the key, and then ſaid, Dan let us go, did you ſee the impreſſion?——I gave the key, and ſaw the impreſſion taken of, I never looked at the paper.

How can you tell that any impreſſion was made?—Becauſe he looked, and ſaid this will do.

Then you ſaw a piece of paper put on the turnip; you ſay that one of the priſoners demanded ſomething for lumbering the goods?——Yes.

Do not you underſtand that term?——I do not.

You could not conceive what it meant? ——I could not.

You did not give him the half-crown? ——Yes, I did.

What, you gave him the half crown for lumbering without knowing what it was? ——Yes, I did.

Court. Where did you make your information?——Before Juſtice Blackborough five days after I was committed, about ſeventeen days after the robbery.

Mr. Garrow. You was not the apprehender of any of theſe perſons?—No.

JOHN SAY *ſworn.*

I am a Hackney coachman, on the 3d of September, I was at the ſtand at Cornhill, about a quarter after eight, I was hired by a man, I ſhould know him I dare ſay.

Look about?——I cannot ſay I ſee the man here.

Look about you?——No, I do not ſee the man here as I know of.

Have you ever ſeen the man ſince?—No, Sir, never.

Did you ever ſee him before?—I cannot ſay, I may have ſeen many people before.

Did you never ſee the man that called you that night?—Never before or ſince, I was hired by a man, he took me to Broad-ſtreet, he went on the coach box, nobody was in the coach at that time.

What part of Broad-ſtreet?—The corner of a court, I cannot ſay I know the

name of the court, there is a fruiterer's ſhop at the corner.

How near is that to the Exciſe-office?—Cloſe to it, almoſt oppoſite to it; when I had been there about two minutes, the man came to me, and ordered me down Winchester-ſtreet, I went down about four doors on the left hand, the man on the box went over the way to ſpeak to two men that were ſtanding by the Exciſe-office rails.

Is that near the gate-way?—The Exciſe-office gate is very nigh it, I ſtopped there on the left hand, and waited there about a quarter of an hour, I was feeding my horſes and ſomebody came and put ſomething into my off door, and ſhut up the door again, and the man that was on the box before got up again, and told me to drive down London-wall, down Coleman-ſtreet, up the Old Jury, down Queen-ſtreet, down Thames-ſtreet, then to Puddle-dock, to the White Bear.

Who keeps that houſe?——One Mr. Nodes.

When you came to the White Bear, what did you do?——The man got off the box and he opened the door, and I got off the box to let the man out with ſomething that they had in the coach it ſeemed to be a bale of ſomething, but I did not know what it was, I helped to carry it in, and the other two men, we had a glaſs of brandy in the bar, it was put in, and they ordered me to turn about, then two men came out and ordered me to drive into Widegate-alley, Biſhopſgate-ſtreet, we ſtopped at the corner of Catherine Wheel-alley, and ſtaid there about half an hour, then they came back to me in company with a third, they all got into the coach, then we went back to Nodes's, and I ſtopped at the door about a quarter of an hour, I went into the houſe, and I aſked them if they were going to diſcharge me, they ſaid no, they ſhould want me again.

What were they doing in the houſe?——I cannot ſay, they were buſy among themſelves; theſe three men were by themſelves, and another man in the back room with them.

What had they with them?—They had the bale withinſide Mr. Nodes's bar, when they went in they aſked me to lend them a knife, I told them yes; they cut the ropes and things, and threw them, as I think, into Mr. Nodes's bar.

What was in the bale?—I do not know, it was ſomewhat, they ſhewed it about, I cannot tell what it was, it appeared to me to be yellow, but I could not diſtinguiſh the colour, it being dark.

Was it this colour?--I cannot ſay, they had plenty of candles, but it is hard to diſcern ſuch a colour at night-time, then they took a brown bag out of the coach, and put the contents of the bale into the bag, and put the bag into the coach again, and I carried them to Wentworth-ſtreet, Petticoat-lane.

Who went there?--Two people.

Only two?—Only two, then they took it out and went away, and told me to wait till they returned, they were gone, I ſuppoſe a quarter of an hour, when they came back they ordered me to drive to Mr. Nodes's, which I did, then they ſaid, come in and take your fare, and I had a glaſs with them, I was there the value of ten minutes, and they gave me ſix ſhillings, and diſcharged me; the ſecond time I was in the houſe ten minutes, and the firſt time when I gave them the knife to cut the package, I was ſeven or eight minutes; there were ſeven or eight people in the back room; I do not know any one of them.

Look about and ſee if you know them?--As I am upon my oath I do not know any body there.

JAMES NODES *ſworn.*

I keep the White Bear in Thames-ſtreet.

Do you remember any perſons coming to your houſe in a coach on the 3d of September in the evening?---Yes.

How many perſons?——Three.

Look round and tell us which they are? They are all there one after another, Mr. Beaman came firſt, Vandeput and Storer came in at the front, John Say, the coachman, and Eaſt, came in at the ſide door; they brought in a large bundle, they put it down

down on the outside of the bar, in about a quarter of an hour Beaman came in and joined company with them.

Did they take their bundle into the parlour with them?—No Sir, they left it at the outside of the bar, it was a large bundle as big as a sack, the package was a kind of package such as they pack cloth in, of coarse cloth, it was tied with a rope, they staid after Beaman came in some time, but Vandeput and Storer went away in the same coach; they were gone about half an hour; they came back and brought a person with them whose name is Farmer, and they went into the parlour; Beaman and the other continued there after the others came back, there was a skain of silk produced in that parlour which I heard them say was taken out of that bundle.

Court. Who said it came out of that bundle?—The four prisoners; it was of a yellowish colour to the best of my knowledge; it was candle-light, but something of that colour; I heard some conversation that Mr. Farmer had agreed to give half a guinea a pound for it.

What did they do after that?—Then they returned and cut the cords on the outside of the package, and put it in a large bag which they had in the coach, some of the cord they took away and some they left behind, and that they desired me to burn; there were three of them went away in the coach, Mr. Farmer followed the coach, and East went home a little in liquor; he did not go in the coach.

Have you any doubt in point of certainty that these are the men? —— These are the men that were in my parlour, all four of them.

You, I believe, did not observe the marks on the package? — I did not, I afterwards saw some of the prisoners at Bridewell, that was Storer and East; they asked me if any thing had transpired, I said nothing that I knew of; they asked me who told me they were there, I said Mrs. Beaman, then came in a person that whispered them, and they told me the subject of that whisper was, that nothing could affect them.

Had you at any subsequent time any conversation with Beaman after this robbery was committed?—Yes,

What was that?——He shewed me two picklock keys that he said did the business; they were large keys, as big as street-door keys.

Mr. Morgan. Where did you come from just now?——Out of the room just by.

That will not answer my question; where have you resided now, for a few days before you came here to-day?——In New Prison; I have been there almost a month.

Perhaps on this account?—Yes, I fancy so.

Where is your home that you have now?——At Puddle Dock; I lived there about two months; I kept the Gentleman and Porter in Ball-lane, Spital-fields.

There are no thieves thereabouts?——That was the reason I left it.

What! because it was an honest neighbourhood?——Because it was not; I lived there about a year and three months.

You had not the good luck to be prosecuted during the time you lived there for harbouring thieves?——I never had a word said to me; I always kept the house quite clear before that; I kept the Little Lion in the Borough; I never was inside this place before in my lifetime.

I am very sorry you was not here a long time ago; when they brought this bale and put it down, did you know them before that time?—Yes.

Was either of them in the silk way?—I knew but very few in the silk way.

Did any of the prisoners deal in silk?——Not that I know of; I have seen them all before, but not often.

Did not you know that not one of them had anything to do with silk?——Not before it was brought to my house; I did not know anything of any of their businesses.

Now, you have been telling us about the ropes, and the outward case being cut, who cut them?——I did not cut them.

Who did?—The prisoners.

All four?—No, not all four.

What

What did they desire you to do with the case and the ropes?—To burn them.

What was done with them?—They were burnt.

Did you see them burnt?—I saw them while they were burning.

Who put them on the fire?—My wife, I was backwards and forwards.

Why did you suppose they desired the case and the ropes to be burnt?—Because I did not believe they were come honestly by.

Court. How many times before this had you seen these men?——I had seen them three or four times at this house to drink a pint of beer, and I had seen them at the other house, but not lately; I had been out of the other house three months. I know all their persons, I am not mistaken, I know them all particularly well.

ANN NODES *sworn.*

I am wife of the last witness, on the 3d of September, the prisoner, the man on the right hand, and one that stands there, came in first, and the tall one Beaman came in afterwards, they came in with the coachman John Say, they brought in a bundle, and put it on the outside of the bar, it was marked B. B. C. in a round ring, two B's at the top, and a C. at bottom.

Was it in that form?—Yes, they called for some brandy and water, and went into the parlour, and Mr. Beaman came after and joined company with them, then they unpacked it, and put the contents of it into a brown bag, I was in the bar and saw them do it, and they took it away in a coach.

Are you sure these are the men?——I am sure as to their persons.

Mr. James. I suppose you have a perfect recollection of all that passed?—No, Sir, I did not hear all that passed, I was in the bar, they did cut the ropes the outside of the bar, and put it into a brown bag.

Did you see anything likewise of the burning of the bands?——They left them behind, I burnt them, they were of no use, I could not cut off the knots.

Was that the only reason why you burnt them?---Yes.

Now, pause a little, recollect, if you mean to say so seriously upon your oath?---Yes.

You mean to swear that?---Yes.

Did you do it of your own accord, or had you any directions for doing it?---They said they were good for nothing.

Did they say any thing else?---They did not desire they should be burnt; as I recollect.

Had you any conversation with your husband on the subject?---None at all.

Did he happen to see the burning of the bands?---Yes, after they were flung on the fire; he did not say any thing to it, he did not think they were of any consequence.

Therefore you burnt them as you would do any other cords?—Yes.

No other reason upon the face of the earth?---Certainly not.

RACHEL POULTNEY *sworn.*

I am servant to Mr. and Mrs. Nodes at the White Bear; I remember some persons came there on Saturday the 3d of September in a coach, one was Frank Storer, and the coachman Say came in with them, and two more came in at the fore door, and the coachman and Storer at the other; they brought a parcel like a package.

Was it tied with any thing?---Yes.

How was it tied?---With a cord across and across.

Where did they put it?---The backside of my Mistress's bar.

Did any body else come afterwards?——James Beaman came afterwards and another came in.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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M DCC LXXXV.

[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of W. Vandeput, J. Beaman, F. Storer, & D. Eaſt.

What part of the houſe were they in?—The parlour; my maſter and miſtreſs ſerved them, I did not; I ſaw a kind of ſkain of ſilk like orange colour, that came out of that package.

Was it like this?—Yes.

What did they do with this package as you call it?——They cut off the outſide package and the ropes.

What became of them?——I do not know.

What became of the inſide?—They took a brown bag out of the coach and put the bundle into it, then they put it into the coach, and the coachman went away.

Mr. Morgan. Did you go to the coach with them?——No.

You ſtaid in the tap-room?——Yes, to wait on the cuſtomers, I did not go out with the men when they took the bag, nor when they fetched the bag.

Then how came you to ſay that they took it out of a coach?---Becauſe the tap-room door ſtood open and I ſaw them take it out.

What covering was it in?--Straw colour.

A piece of cloth?---Yes, pretty large.

Was it matting or cloth?—It was like a mat.

It would not do to put down at your ſtreet-door to wipe your feet on?—It was not ſuch as that, my miſtreſs ſaid ſhe burnt it.

Did you hear any thing ſaid about burning?——No, my miſtreſs told me ſhe burnt the large outward wrapper as well as the bands; I do not know the names of all the priſoners, I know the name that one is called by, but I do not know that it is his name, his name is Frank Storer, I know all their perſons if I ſee them.

But you do not know their names?—No.

Mr. Garrow. Look round and ſee if the men are here?——They are the four men that ſtand there.

Are you ſure of it?——Yes Sir, upon my ſacrament oath; I lived with my maſter and miſtreſs before he came there; I lived above half a year at the Gentleman and Porter, I ſaw theſe men three or four times before.

Where?——Two of them two or three times at this houſe, and two or three at the other; at this houſe I ſaw Eaſt and Vandeput.

Have you ſeen them often enough to know their faces?—Yes, my Lord, I have.

JOHN

JOHN LUCY *ſworn.*

I am the conſtable of Clerkenwell, I apprehended, the 15th of September laſt, Daniel Eaſt and Francis Storer, at Clerkenwell Cloſe, they were together in the ſtreet on the 24th of the ſame month, I went to Mr. Beaman's houſe, I ſearched for him, and I found he was not at home, and on his bed's head I found this piſtol loaded, double barrelled, it was loaded with theſe balls, it was upon a ledge behind the bed's head.

In what room?—In the bed-chamber one pair of ſtairs, front room; on the 26th of the ſame month, on information, I went with four other officers to Narrow ſtreet, Limehouſe, on information that Beaman and Vandeput were there, we waited there about two hours, and we ſecured Beaman, Vandeput made his eſcape, I ſaw him coming up to the door, but as ſoon as he ſaw us he made his eſcape, the other officers purſued him and brought him back to the public houſe, that is all I know; there was ſome converſation in the coach about the piſtol that I found, Mr. Beaman begged that I would not produce it in evidence againſt him before the Magiſtrate, he thought it would aggravate the offence, and he and Vandeput ſaid they had ſhipped themſelves on board to go to America, and were to go off that night.

Mr. Silveſter. We have done.

Court. William Vandeput, you have heard the charge againſt you, and what the witneſſes have ſworn, this is the proper time for you to make your defence.

Priſoner Vandeput. I know nothing at all about the matter, I am totally innocent, and it is for the ſake of the very great reward they want to take away my life; I am a ſeafaring man; I belonged to a ſhip at the time.

Do you mean to ſay that you was not at Nodes's houſe?——I was not at Nodes's houſe, nor know any thing at all about it, nor know not where his home is.

Have you any witneſſes?—No, my Lord, I have no witneſſes; I have nobody in England belonging to me.

You muſt have ſome place where you lodge; you muſt have ſome connections?—I lodge in Wapping; all the witneſſes I can give is to myſelf; I have no witneſſes; I am a ſeafaring man; I can bring nobody to my abilities at all.

You muſt have been employed in the ſhip?——I belonged to the Fair American that then lay in Limehouſe Hole when I was taken, and the ſhip wore down the ſame day I was taken; and to bring a parcel of people out of the houſe where nobody but ſailors and girls live, would be of no uſe.

Court to Priſoner. Daniel Eaſt, what do you ſay of yourſelf?—I have a perſon here that knows Mr. Nodes very well, and knows I was on board the General Carter, and caſt away; I have been three times to Gibraltar; I worked at my buſineſs ſince.

JAMES BEAMAN'S DEFENCE.

I am intirely innocent; at the time he apprehended me he told me he had taken this piſtol; I am a gunſmith; I told him he might produce it, for it was brought to me to have a key made to it to ſcrew and unſcrew the barrels, but I have nobody to prove it, nor can I find that perſon that brought it; he has been once at my houſe, but my not being there he went away; I was not at Nodes's that night, being the firſt night of Bartholomew Fair, I was at home, I want to call Mr. Pitt, Mr. Akerman's ſervant, who knows this coachman.

Mr. Morgan. I wiſh you would be eaſy, and leave it to your counſel.

Court. Your counſel do not think that witneſs will be of any ſervice to you, but if you wiſh to have him called I will not hinder you, but as you have put yourſelf into the hands of counſel you will judge whether you ſhould follow his advice or not?——To be ſure I muſt.

PRISONER STORER'S DEFENCE.

I am intirely innocent; I know nothing about it.

Have you any witneſs to call?—No, my Lord.

ALL FOUR GUILTY, Death.

Tried by the firſt London Jury before Mr. Baron EYRE.

924. RO-

924. ROBERT RICHARDSON was indicted for feloniously ſtealing, on the 4th of October, one pair of aſh oars, value 10s. the property of Richard Roberts.

(The caſe opened by Mr. Litchfield)

JACOB SELBY *ſworn.*

I am a waterman belonging to the Cuſtom-houſe, to the inſpectors on that day, on Saturday evening I locked the door, and made it faſt, it was laſt Saturday was four weeks, it might be the 17th of September; it was about eight when I left the ſkiff, on the Monday following I found that ſome oars had been loſt between ten and eleven.

What oars were miſſing?—Oars marked one and two; on Monday morning I miſſed the oars, and I enquired at ſeveral pair of ſtairs for them; they were faſtened to the boat by a chain, and I pulled at the lock to ſee if it was faſt.

Whoſe boat was this?—Mr. Roberts's.

Mr. Garrow, Priſoner's Counſel. And if you loſe any, you are anſwerable to Mr. Roberts for his oars?—Not that I know of.

Do you know the young man?—I do not.

WILLIAM WALL *ſworn.*

I came from Blackwall on Saturday evening about ſeven or eight o'clock, on the Monday morning I was told they were loſt, I wrote a paper to Mr. Cole, and they were found.

WILLIAM COLE *ſworn.*

I am a conſtable; about three weeks ago I went to the priſoner's, there I found a pair of oars.

Did you go to ſearch for theſe oars?—Not particularly for them.

How came you to take them?—I had them deſcribed; I found them in the priſoner's yard; (there is a ſort of pent-houſe goes over them; the houſe is in a place called Brewer's Yard, Shadwell, about forty yards off the river; theſe are the oars that I found there; they were at the top of the pent-houſe; they were put over the neceſſary, the broad arrow is plain upon them; they laid as all watermen lay their oars; not covered at all; I found them on the 4th of October; but I had information from Mr. Wall three or four days before.

You went there and he was ſent for?—Yes.

Was he ſent for or not?—I cannot ſay.

Who came back with him?—I cannot ſay.

Did not you ſee the little girl that aſſiſts in the family come back with him?—I do not recollect it.

Mr. Roberts's name I ſee now is upon theſe oars, burnt in?—Yes.

He is one of the greateſt boat builders in town?—I believe he is.

To Selby. Are theſe the oars that you left in the houſe that night?—Yes.

Jury. Were they in the ſame ſtate when they were loſt as they now are?—There was none of this plaining then.

Is the plaining over the name?—Yes.

(The oars depoſed to by Mr. Roberts.)

Mr. Garrow. Now as to that mark at the further end of the oars may it not have been worked out?—No Sir, it is plained out.

Cole. He ſaid he found theſe oars in the river, and brought them home.

Did he not ſay he expected them to be advertiſed?—No.

Did not the priſoner ſay at the Juſtice's that he had a witneſs that ſaw him pick them up?—I did not hear that, I heard the Juſtice ſay, if he had any witneſſes for his defence they were to come for that to another court, but I did not ſee any witneſs there.

PRISONER's DEFENCE.

I had a fare about five at King James's Stairs up to Billingſgate, I went over to Horſleydown, and between Wapping Old Stairs and Union-ſtairs, a man called ſculler, and theſe oars lay, I picked them up and carried them home; at my third hearing I found this man who was then juſt going to the Weſt Indies, and I told the Juſtice ſo.

What is the man's name that ſaw you pick them up?—He is a foreigner and belongs to Norway, I do not know his name, it was a very odd name, he is gone to the Weſt Indies in a ſhip named the Hope; when

when the girl came and fetched me, she said that four runners wanted me, I came home directly, they asked me whose these oars were, I told them they were mine till I got an owner, says he, I have got an owner, and I will send you away for this.

The prisoner called one witness, who gave him a good character.

GUILTY.

To be confined six months in the House of Correction.

Tried by the second Middlesex Jury before Mr. RECORDER.

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926. JOSEPH BOLOUS was indicted for feloniously stealing, on the 24th of September last, two mens cloth coats, value 30s. one silk waistcoat, value 8s. one cotton waistcoat, value 4s. one pair of black silk breeches, value 4s. one pair of casimere breeches, value 7s. four linen shirts, value 15s. three pair of silk stockings, value 20s. three pair of woollen blankets, value 20s. one silver watch, value 40s. one pair of stone knee buckles, one gold enamelled ring, value 15s. one gold enamelled shirt buckle, value 8s. one deal box, value 18d. the property of John Adams.

JOHN ADAMS *sworn.*

I came to town on the 24th of September, in the Norwich coach, to the Swan with Two Necks in Lad-lane; the first time I saw the prisoner was in the yard, plying as porter; I had a box and a parcel, which I took from the coach, and the prisoner and another man wanted to carry it to the Castle and Falcon in Dowgate-street; they began to hand it, I desired them to let it alone; I immediately took it to the gate of the inn, there stood a hackney coach, he said he was hired, I asked him to take care, and look at my box while I went and called another coach, and he said he would, and I went away to call another coach, and I had not gone a hundred yards till I saw another coach, which came, and when I returned back the box was gone; the prisoner was upon the spot when I left the box, within three yards, I called a hackney coach, and came back, the box was not two minutes out of my sight; I asked the hackney coachman where the box was, he said it was gone; two fellows had run away with it; I was rather flurried, and I was directed by a milk woman to go to Aldermanbury; a man said the box and the man were in custody; I went within a quarter of an hour and found the box and the prisoner in Queen's Court, Basinghall-street.

Prisoner. Whereabouts did you see me and the other man in the yard?—Opposite the Compting-house door, the office-door, where they transact the business for the coaches.

ELIZABETH FREELAND *sworn.*

I keep the White Bear Tap in Queen's Court; the prisoner came in, and called for a pint of beer, he had the box and parcel in his arm, and put it down upon a chest in the yard, nobody was with him, and my husband came in, and he asked him to drink, he gave the pint of beer into his hand, and set off without paying for the beer, or taking any care of the parcel, he looking down the court, saw a few people gathered together at the bottom of the court, a young man came up, and enquired after him, and he was taken; this is the same man that brought the box and parcel in, I saw him pitch it down, it was in less than ten minutes.

Prisoner. I was in the house, I do not remember seeing the gentlewoman.

WILLIAM FREELAND *sworn.*

I saw the box in the yard, and the prisoner by it; I saw him come into the tap, and he asked me to drink, and he went directly down the court, and he went into Fore-street, and in less than a minute a young gentleman that is here now came running in, and told me, and we pursued him, and took him; when we took him I said, young man, you have not paid for your pint of beer, and he said he had had no

here there; I am quite sure it is the same man.

JOSEPH HUNT *sworn.*

I was coming down Aldermanbury, and asked what was the matter, and I pursued too, and in Basinghall-street I took him.

JAMES PRIOR *sworn.*

I saw a concourse of people assembled together, and asked them what was the matter, and they told me that was the man that had stolen a box and parcel from the Swan with Two Necks; I took the prisoner into custody, and the moment the owner came he said, that is the man that stole my box and parcel; says I, should you know your box and parcel again if you saw it, he said yes; he told me the contents.

Prosecutor. This watch was in the box; here is the gold ring, I know it by the maker's name, I do not know the number; I know the knee buckles, and I know my clothes and every thing perfectly well; my linen and stockings were all marked; I know the box and the things.

PRISONER's DEFENCE.

If you will believe the word of a man, I never was at the gateway at all, I was going towards Moorfields, and a man asked me to carry this box to Basinghall-street, and he would give me a pint of beer and six-pence, he bid me go into the public house, and he would go and fetch a coach, I went there, and nobody came; I had no money to pay for the beer; I went and left the box, and they came after me, and took me.

GUILTY.

To be transported for seven years.

Tried by the first London Jury before Mr. RECORDER.

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927. JOHN ALLISON was indicted for feloniously stealing on the 28th day of September last, one double reined bridle, with two bits, plated with silver, value 10s. the property of Vincent Newton, Esq. privily in the stable of John Fidler.

HENRY WHEELER *sworn.*

I sent Thomas Smith up to Mr. Calvert's with the horse, the saddle and bridle were in the stable of Mr. Fidler, they were the property of Mr. Newton, it hung in the stable, facing the gate, I saw it in the stable in the afternoon about two o'clock, it was missed about half an hour after, I believe.

How long was it before it was found?——About an hour, it was found at Justice Walker's, I was sent for and saw the bridle there.

EDWARD TREDWAY *sworn.*

I saw the prisoner running across Red-lyon-square as fast as he could, with the bridle in his hand; Mr. Hector was with me, and we both ran after him and overtook him in King's-gate-street, Holborn; I asked him where he got that; I saw a crest upon it; he said he had bought it of a man that goes to the Haymarket, and sometimes to Smithfield; I said, can you shew me the man; he hesitated a little, then says I, you must go with me to the roundhouse; he said, you know me, take my word and I will appear at night; I told him I would not: and we went and enquired for the owner, and Mr. Wheeler came up to Mr. Walker's and brought the bridle.

What became of the bridle at the time?——I took it from the prisoner, I gave it to Mr. Hector.

JAMES HECTOR *sworn.*

I was with the last witness when this happened; I have nothing more to say than what he has said; I overtook the prisoner with the bridle, I have had it in my possession ever since.

THOMAS SMITH *sworn.*

I saw the prisoner go down the yard and come up again, and never spoke to anybody, it was in the middle of the day, but I cannot rightly tell the hour, as near as I can tell it was between one and two; I did not see the prisoner go into any stable, I did not

not perceive he had anything in his hand, the bridle was miſſed ſoon after; I went up and I happened to hear of this; the priſoner went directly as if he was going to the ſtable to ſpeak to ſomebody, I never ſaw him before, but by his thickneſs and his coat, and everything he is the ſame man; there were fourteen or fifteen ſaddles in that ſtable, nobody was in the ſtable.

Court to Wheeler. What day was this?——Wedneſday.

You went up to Mr. Walker's—Yes.

You did not ſee anything of this man before?—No.

Where was you when this bridle was loſt?——Gone up to Mr. Lechmere's with his horſe and chaiſe, there was nobody in the ſtable, I live over the ſtable myſelf.

(The bridle depoſed to having the creſt.)

PRISONER's DEFENCE.

As I was coming up Hog-lane, Shoreditch, I met a young man who dealt in bridles, and I bought this of him, his name is Jack Williams: my witneſſes are gone home.

GUILTY,

To the value of 4s. 10d.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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928. WILLIAM HICKS was indicted for feloniouſly ſtealing, on the 5th day of October, one ſilk handkerchief, value 2s. the property of James Croft, Eſq.

JAMES CROFT, Eſq; *ſworn.*

On the 5th of October, going along Tower-ſtreet, I felt a man at my pocket, I ſaw my handkerchief fall, and my coachman picked it up.

PETER MARSHAL *ſworn.*

My maſter miſſed his handkerchief on the 5th of October, I took the priſoner, and the handkerchief dropped from his apron, as my maſter was getting into his coach.

(The handkerchief produced.)

PRISONER's DEFENCE.

I picked up the handkerchief at the coach wheel.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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929. JONATHAN HOPKINSON, was indicted for that he not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the 9th day of Auguſt laſt, with force and arms violently and feloniouſly did make an aſſault in and upon one Ann Chambers, ſpinſter; and then and there violently and feloniouſly againſt the will of the ſaid Ann, her the ſaid Ann did feloniouſly raviſh, and carnally know, againſt the ſtatute.

Ann Chambers, Iſabell Chambers, and Mary Chambers, were called on their recognizances, and not appearing, the priſoner was

ACQUITTED.

Tried by the firſt London Jury before Mr. RECORDER.

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930. SAMUEL SEYMOUR was indicted for feloniouſly ſtealing on the 8th day of October, half a pound weight of looſe tobacco, value 8d. the property of James Strachan, James Mackenzie, and John Alſo.

ALEXANDER GLENNE *ſworn.*

I was landing tobacco of the proſecutors on the 8th of October, and I ſaw him take ſome tobacco from one of the hogſheads, while he was ſupporting it as a por-

ter

ver, I found about half a pound upon him, he ſaid it was the firſt offence, and hoped they would excuſe him.

Priſoner. I found it upon the ground.

Court. Can you ſpeak with certainty to the priſoner's taking it?——I think I ſaw him take it, it was a ſmall quantity.

The priſoner called two witneſſes who gave him a good character.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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931. MARGARET THOMPSON was indicted for feloniouſly ſtealing on the 27th day of September laſt, three quart pewter pots, value 4s. one pint pewter pot, value 1s. the property of John Hoſkins.

The parties called upon their recognizance and not appearing the priſoner was

ACQUITTED.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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932. JOHN BARLOW was indicted for feloniouſly ſtealing, on the 10th day of October, twenty-eight yards of baize flannel, value 20s. the property of William Bennett.

The priſoner was taken with the flannel upon him, it ſtood on the ſteps at the door, there were two pieces on the other ſide of the door.

Priſoner. I found it on the ground.

The priſoner called eight witneſſes, who all gave him a good character.

GUILTY.

Whipped.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

933. JAMES GRAHAM was indicted for feloniouſly ſtealing on the 24th day of September laſt, two cloth coats, value 6s. one cloth ſurtout coat, value 4s. one pair of breeches, value 10d. one pair of nankeen ditto, value 12d. one pair of leather ſhoes, value 12d. one other leather ſhoe, value 3d. a leather pocket book, value 12d. the property of John M'Dougle.

JOHN M'DOUGLE *ſworn.*

I live in Eaſt Smithfield, I know the priſoner, I did not know him before the robbery, I deal in ſecond hand clothes, I was coming home the 24th of September, I had a pint of beer, and I met with the priſoner, I ſaid to my wife we will go home and go to bed, that was between nine and ten; ſays the priſoner, God help me, I have no where to go to, I have travelled from Liverpool, I have not a halfpenny to pay for a bed; ſays my wife, let him go home and lay with us; mine is a private houſe, he went home with us and we put ſome clothes over him, he ſeemed to be aſleep, I locked the door, and put the key on my bureau-bedſtead, and there it was in the morning, my wife went to bed; in the middle of the night he drew the ſtaple and got the bolt undone, when I waked he was gone, and he took the things mentioned in the indictment, I found the things at a woman's houſe who dealt in ſuch things, and ſhe returned part of the things, but I have not got the ſurtout nor the ſhoes, I am ſure they are mine, I took the priſoner in Ragfair, my wife was here laſt night, but going home ſhe had a little diſpute with a woman, and they were both put into Wood-ſtreet Compter.

Court. Make an order for her to be brought.

Mrs. M'DOUGLE *ſworn.*

The proſecutor's wife confirmed his evidence.

(The things depoſed to.)

Ann Chambers called, and not appearing, her recognizance was ordered to be eſtreated.

PRI-

PRISONER's DEFENCE.

The profecuter ſaw me in a public houſe, and I told him I was caſt away in Liverpool and he took me to his houſe, whilſt ſitting in the box, this woman ſaid, I think I know your face, I ſaid, you may have ſeen me in many parts of the world, ſhe ſaid ſhe had been a bomboat woman at Portſmouth, and I recollected her, I told her I was to receive ſome prize-money on Friday, and ſhe ſaid, I will help you as far as I can, and ſhe gave me theſe clothes, and charged me on the peril of my life not to tell her huſband.

Court to Profecuter. Did he tell this ſtory before the Juſtice?——At the ſecond hearing he did.

Is this ſtory true?——It is all falſe.

GUILTY.

To be whipped and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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934. THOMAS BRADFORD was indicted for feloniouſly ſtealing on the 21ſt day of September laſt, one ſmall horn cup, value 1d. three ſixpences, value 18d. the property of John Richardſon.

ESTER STEWARD *ſworn.*

I live at Mr. Richardſon's at Iſlington, he keeps a chandler's ſhop, on Wedneſday the 21ſt of September the priſoner came into our ſhop between nine and ten in the morning for change for a ſhilling, I ſaid, I believed I could give him change, I went to the till and I miſſed ſome ſilver, and I told him he had it, and he ſaid he had not, and I told him nobody elſe had been there and he muſt have it; he ſaid there was a young man at the door who ſaw him come in, and he went to the door to ſpeak to the young man as I thought, and he threw away a horn cup out of the ſtreet-door, I ſaw him throw it away, a horn cup what the companies drink wine out of on the Lord Mayor's day, this cup ſtood in the till, I went and picked up the cup, he ſtopped about, and ſaid he would not go away unleſs I would give him the ſhilling again, he went a little way but he was not out of my ſight a minute, I told him I would not give him the ſhilling becauſe I knew he had eighteen pence of mine, a gentleman coming by enquired what was the matter, and he gave charge of the priſoner and the other man, and he was taken to Mr. Cogan's at Iſlington, and three ſixpences were found upon him, one of the ſixpences was a very particular one and I could ſwear to it, when the priſoner came firſt I was gone down ſtairs, and when I came up again I found him in the ſhop with his left hand in his breeches pocket, and I could ſee the print of the horn through his breeches pocket, the till was within ſide the counter, and he was on the outſide when I ſaw him, I can ſwear to the horn cup.

JAMES BROWN *ſworn.*

I ſearched the priſoner before Juſtice Cogan, I found one ſixpence, which fell out of the knot of his handkerchief on his neck, it laid there, I immediately ſearched his breeches before the Magiſtrate and found thirteen pence three farthings in copper, and one ſixpence in one pocket, in the other pocket I found four or five ſhillings and another ſixpence.

(One ſixpence depoſed to, being very much battered.)

PRISONER's DEFENCE.

I was going along, I went in to get change for a ſhilling, and a little girl went in along with me, the gentleman came up and ſaid I took the cup out of the till, I ſaid I had not, and ſhe bid me go and I would not without the ſhilling, I am a weaver.

Where do your friends live?—In Old-ſtreet, they are here.

The Priſoner called three witneſſes who gave him a good character.

GUILTY

Of ſtealing the cup, value one penny.

Court. If the prisoner's friends will undertake to take care of him, order him to be *privately whipped and discharged*: the Jury being inclined to shew him favour, I will follow their example.

Tried by the second Middlesex Jury, before Mr. Baron EYRE.

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935. MARY GOUTERY was indicted for feloniously stealing on the 8th of October, two silver tea spoons, value 4s. the property of Thomas White.

MARTHA WHITE *sworn.*

I am wife to Thomas White, I lost two silver tea-spoons on Saturday the 8th of this month out of the bar, my husband keeps a public-house, the prisoner used our house frequently for a pint of beer, I had not been gone out five minutes, and I turned back and heard the spoons gingle in her stays, and I took them out.

(Produced and deposed to.)

JOSEPH HALL *sworn.*

I have had charge of the spoons.

PRISONER's DEFENCE.

I picked them up.

Prosecutrix. They were in a corner cupboard.

GUILTY,

To be privately whipped, and confined six months in the House of Correction.

Tried by the second Middlesex Jury before Mr. Justice NARES.

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936. ELIZABETH SHAW was indicted for feloniously stealing, on the 8th of October, one silver watch, value 10s. the property of Richard Keene.

HANNAH KEENE *sworn.*

I lost my husband's watch off the chimney piece, I live in Whitechapel, it was the lower part of the house, the prisoner came in about a quarter before eleven, for a couple of rabits, I told her she might have them for what I knew, but when my husband came home, I would let her know, she gave me a shilling, and insisted upon my fetching her a dram, and while I was gone, she went, and the watch was gone, she did not stay for her change; I am sure the watch was there when I went out it hung up, I looked just before to see what it was o'clock, I never got it again; the pawnbroker is here, where she went to pawn it.

Did you know the woman?——I never saw her but twice before.

Did you know her name at that time?—Not till after.

How did you find her again?——She had been wandering about, and she had pawned some things of her ready furnished lodgings, and she wanted to take them out, she was taken up about three that afternoon at the Black Horse, in Lemon-street.

WILLIAM TAYLOR *sworn.*

I live in Ayliff-street, Goodman's-fields, the prisoner offered a watch to pledge to the best of my knowledge, last Saturday was se'nnight a little before twelve, it was a silver watch, I took it into my hand, and gave it her back again directly, I did not examine it, I did not give her any answer I told her I would not take it in of her.

PRISONER's DEFENCE.

I went to buy a couple of rabbits the person I was looking after was sick, the prosecutrix was cleaning some pigs chitterlins, I gave her a shilling, I came out of her room, and she locked her room door, I went out of the alley for some whiting and some sand, going up Whitechapel, I pawned the watch with Mr. Taylor, which was my own watch, it was at nine in the morning and this woman, did not lose her's till eleven, I went with it and run back again. I was coming for my change and a kidnapping man that kidnaps soldiers, took me in the afternoon, and they used me extremely ill, I did not think I should be

be tried to day, Mr. Taylor knows it was at mine.

Court to Profecutrix. Did you lock your door when you went out?——I locked my door, and left my key in.

Where was ſhe?—She was in the other room next the paſſage where the rabbits were.

Priſoner. I went out with her.

Profecutrix. She did not.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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937. JAMES WORTHY was indicted for feloniouſly ſtealing, on the 24th of September laſt, five ſilk handkerchiefs, value 20s. the property of Richard Richards.

BARBARA RICHARDS *ſworn.*

I keep a ſmall ſhop, ſome chandlery, ſome ſtockings, and ſome handkerchiefs, on the 24th of September I loſt five handkerchiefs from a ſhow board in my ſhop, I was ſitting in a back room behind the ſhop, ſomebody called ſtop thief, and the priſoner was ſtopped and brought back in two minutes with five ſilk handkerchiefs in his boſom, they were mine.

CHARLES BROWN *ſworn.*

I took the priſoner with the handkerchiefs.

(Produced and depoſed to.)

PRISONER's DEFENCE.

I picked up the handkerchiefs in a piece of paper, I am a ſailor, I have no friends within fifty miles.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

938. MATTHEW MAXWELL was indicted for feloniouſly ſtealing, on the 30th day of December, 1783, two dimity waiſtcoats, value 7s. one ſilk waiſtcoat, value 7s. the property of Charles Rodden.

CHARLES RODDEN *ſworn.*

I keep the King's Head public houſe in Saint James's-ſtreet, I have known the priſoner for about two years and a half, he lodged in my houſe; he is a hair dreſſer; in December, 1783, towards the latter end of the month, I loſt the things mentioned in the indictment from a room where the priſoner lodged; they were taken out of a cheſt of drawers.

Was it locked?—I cannot be particular, I wore the ſattin waiſtcoat, which I have ſince found, on the Sunday before; the priſoner had been breeding a diſturbance, and I went to look at my clothes, and three waiſtcoats were miſſing; I did not ſee them put there; in the evening, when the two young men came from work, that is, the priſoner and another that lodged with him, my wife enquired about the waiſtcoats, he ſaid he knew nothing of them, my wife then told him that we could ſuſpect no other perſon but one of them two, and we begged them to get another lodging; the other young man went away, and ſometime in the week following the priſoner took another lodging; I forbid him the houſe, and he did not come there for ſome months, about ſix weeks after that a gentleman that is preſent wore one of my waiſtcoats in my houſe; my wife firſt ſaw it, and ſaid it was very much like my waiſtcoat, and the gentleman was very angry, and ſoon after left the houſe; it had ſome gold edging put round it after it went from me; about ſix weeks ago I ſaw the waiſtcoat again on this gentleman's back at my houſe that I now live in, in Dean-ſtreet, Fetter-lane; upon this we ſuſpected the priſoner; this gentleman's name is Egan; I met him again in Sydney's Alley; I ſaw him have the waiſtcoat on; I aſked him to drink a pint of beer; ſays I, George, you have uſed me very ill; you have worn that waiſtcoat out; that is mine, he ſaid I do not know it was yours, but

but it was ſome time after I had it he ſaid that the priſoner gave him the duplicate; he went and took it out of pawn, then I thought it was not ſafe for me to mention it in the ſtreet with him, for fear he ſhould go out, and I went to Mr. Hyde's, which is juſt by, and brought an officer to take Egan up; then he ſwore Maxwell gave him the duplicate; the waiſtcoat had been ſcoured, there was a mark in it, but the mark is gone, here has been a mark put in it ſince, that is, K. J.

Priſoner. Why did not you detect this waiſtcoat when you firſt ſaw it? — Becauſe there was ſome gold lace upon it, and I was not ſure of it; ſince I have ſeen it a ſecond time I have been informed of it, there was one Conner who lodges in the garret, and Egan ſwore before the Juſtice that he aſked the priſoner how he came to let him have a waiſtcoat that he did not come honeſtly by, and the priſoner told him he had the duplicate from Conner.

How do you know that is your waiſtcoat? —There was a mark in it, but it is now out.

Jury. There is no mark in it, it is a common pattern.

Proſecutor. It was marked with an R. with common ink, with a pen.

Court. Then that would not waſh out without leaving an iron mould.

GEORGE EGAN *ſworn.*

I am a gentleman's ſervant, the laſt gentleman I lived with was Sir Richard King, I am now out of place, I have left him about three months about December, 1783, I was one day at dinner at the gate in Stafford-ſtreet, where the priſoner was, and the priſoner came out of doors; it was a very wet day; his foot ſlipped, he fell down, and dirtied himſelf very much, I took him home with me, and I ſent him ſome clean clothes to put on, he was ſo very dirty.

Did you live with any body then? —— I did not, he ſlept at my lodgings that night, the next morning, when he was going to put on his clothes, he told me, if I would accept a duplicate of a ſilk waiſtcoat he had in pawn he would make me a preſent of it, he gave me the duplicate; it was three months after before the waiſtcoat was taken out of pawn, then I took it out, as near as I can recollect, it came to ſeven ſhillings; it was not a new waiſtcoat; it was a very good one; there was a taylor with me when I took it out of pawn, and I happened to have ſome gold binding by me, and I had it put round to make it look ſmarter; about ſix weeks after I went to the proſecutor's houſe in Saint James's-ſtreet; Mrs. Rodden came into the parlour where I was, and ſaid, that waiſtcoat looks very much like one my huſband had ſtolen from him; I found myſelf ſomewhat confounded, and I told her ſhe behaved very rude; and the firſt time I met the priſoner afterwards I aſked where he got that waiſtcoat that he had given me the duplicate of.

What name was it pawned in?—I do not recollect.

How came you to keep the duplicate ſo long?—I was out of place, and it was not convenient to me to take it out of pawn before.

Jury. When the waiſtcoat was challenged, did they ſay there was a mark?—No, nor I never obſerved any mark upon it; the priſoner ſaid he had the duplicate of a young man that is here, whoſe name is Conner, and I will venture to ſay there never was a mark on this waiſtcoat in this world with ink; I had the waiſtcoat, and wore it, and went into the proſecutor's houſe, I dare ſay forty times, with the waiſtcoat on, and they never claimed it; after that, I may ſay with truth, I have been there an hundred times.

Was your coat open?——Yes, twenty times, an hundred times; after his wife ſaid it was like his, ſhe came afterwards and aſked my pardon, ſhe ſaid the ground of it was a lighter green than that which her huſband had loſt.

Was the huſband by at the time?—Yes, I heard nothing tranſpire concerning the waiſtcoat for a year and an half; but about five weeks ago I went into the proſecutor's houſe again, the waiſtcoat had got greaſy, and the lace was tarniſhed; I took it off and had had it ſcowered, when I went in this time the proſecutor's wife ſaid it was very much

much like her husband's: I said I had the duplicate, I took it out of pawn. I met the profecutor in Sydney's alley, and I had the waiſtcoat on, and he aſked me to have a pint of porter; he ſaid George you uſe me extremely ill concerning the waiſtcoat; ſays I, I had the duplicate of the waiſtcoat of Maxwell; he wanted ſomebody to fetch a peace officer; I ſaid I would go to any Juſtice he thought proper; he left me in the houſe, and went down to Juſtice Hyde's; Juſtice Hyde gave an order for apprehending the priſoner, I went with a peace officer, and the priſoner was taking a glaſs of punch with ſome friends, where they had a dinner; I aſked the priſoner if he recollected giving me a duplicate of a waiſtcoat; he ſaid yes, he got the duplicate from Conner, and in conſequence of that he was committed.

JOHN CONNER *ſworn.*

I am a gentleman's ſervant, I know nothing about the waiſtcoat nor the duplicate.

How long have you known Eagan?—Between three and four years.

Long before this time?—Yes.

Court to Eagan. Had you ſeen Conner from the firſt time your waiſtcoat was claimed till it was taken from you?—Yes.

Did you aſk him about the duplicate?—I did, and he ſaid he knew nothing about it.

Conner. I wanted to go with Eagan to ſearch for the priſoner, at the ſame time, Eagan deſired I would mention nothing of it, as he thought there would be no more about it.

Eagan. I ſaid it would only bring us into trouble, and I beg you will ſay no more about it, I do not want to have any piece of work about it; there was one particular I forgot to mention concerning the pawnbroker, when the priſoner was brought before Juſtice Hyde the pawnbroker was ſent for that the waiſtcoat was pawned with, the profecutor was preſent, he was aſked by Juſtice Hyde did he know any thing of the waiſtcoat, he ſaid no he did not, for he had fifty of thoſe waiſtcoats in the courſe of a month, and it is impoſſible to tell one waiſtcoat from another.

Court to Eagan. What became of the priſoner, has he been always to be ſeen, and always in the way?—Yes, I never knew he was out of the way ever ſince I firſt knew him in London, which is between two and three years.

Profecutor. I have met him accidentally, he has been once or twice in the houſe afterwards, I never ſaid anything to him after he left the houſe.

Jury to Profecutor. Does the priſoner owe you anything?—Yes, he does, four or five ſhillings.

Eagan. You told me nine ſhillings, the other day.

Profecutor. It may be ſo; I told him if he would go out of the houſe I would never aſk him for a ſhilling.

Court. Did you ever aſk him for this money ſince?—No.

PRISONER's DEFENCE.

I lodged in this houſe, there was a great reſort of vagabonds, I and another young man that worked with me remained there about a fortnight or three weeks, they continually had ſpeaking clubs of chairmen and all ſorts; we did not approve of the lodging, and ſo we left it; the profecutor ſaid, what fault have you to find with your lodgings; I ſaid, we are diſturbed, we cannot get up in time to our work; his wife ſaid, ſhe was ſorry we were going: you will find my character good, I know nothing of the waiſtcoat.

Court. Did they voluntarily leave your houſe, or did you make them leave it?—I made them go.

Conner. I never knew the man more than ſeeing him at a public houſe, we had a pint of beer, I was in the hoſpital at the ſame time, and there was very little hopes of my recovery; he was told that I never ſhould come out; I afterwards went to Dover, to the Royal Hotel, and lived there about two months; I went from thence to Ireland for ſeven months, with a gentleman, and on my return to this kingdom

the waiſtcoat was talked of again, and I ſaid it was a very hard caſe, Eagan came to me five days after I left the hoſpital.

Did you ever give the priſoner a duplicate?——No.

Did you ever pawn a ſilk waiſtcoat?——No; I deſired Eagan to come directly with me, to go to the priſoner to know whether he would ſay ſo before my face; no, ſays he, I will not drop it; I went to the hoſpital about a fortnight or three weeks after this affair happened, I was very bad.

MATTHEW MAHON *ſworn.*

I am a gentleman's ſervant, I have known him about a year and a half, a very honeſt man, I happened to be taking a pint of beer at the proſecutor's houſe when Mr. Egan came in, and Mrs. Rodden challenged the waiſtcoat, he denied it, and many words happened, and he went away, afterwards Mrs. Rodden ſaid, if I could ſwear to any thing I could ſwear to that, but I think there is ſomething different in the colour or ſpots, and if I could ſwear to any thing thing I could ſwear to Conner's taktaking it; the priſoner is a civil, good natured, ſober, honeſt man.

The priſoner called ſix other witneſſes who gave him a very good character.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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939. MATTHEW DELL was indicted for feloniouſly aſſaulting Sarah the wife of John Peverill on the king's highway on the 1ſt day of October, and putting her in corporal fear and danger of her life, and feloniouſly taking from her perſon and againſt her will, one pair of linen ſheets, value 20s. three pillow caſes, value 3s. two linen ſhirts, value 12s. and three linen aprons, value 6s. a cotton night cap, value 6d. one linen ditto, value 4d. and one diaper towel, value 4d. one handkerchief, value 4d. two cambrick half handkerchiefs, value 8s. one muſlin half handkerchief, value 2s. the property of the ſaid John.

The witneſſes examined apart by Mr. Garrow's deſire.

SARAH PEVERILL *ſworn.*

I was robbed on the firſt of October, between eight and nine in the evening, in Beech-lane, I had a bundle of linen acroſs my arm, it was ſnatched from me, I was carrying it to one Mrs. Davis, I had had it to waſh, the priſoner ſnatched the bundle off my arm and another came and gave me a puſh after the man took the bundle, and they both run away, the man that took the bundle only ſnatched it, he did not do any thing elſe, I cried out ſtop thief as loud as I could, I ran after them, I followed them into Red Lion Market, I got ſight of them there, then they ran into Whitecroſs-ſtreet, I only prove the property.

Mr. Garrow. How long was the perſon that took your bundle out of your ſight before he was taken?——Half an hour, it was between eight and nine.

A pretty dark place?——Under a lamp.

Which of the thieftakers told you that?—I was preſent.

Have you never ſaid it was very dark?—I have not.

Where did you firſt ſee the priſoner after you loſt your bundle?——Where he was taken.

Where did you firſt ſee him?—In Cooper's-alley, where the bundle was found.

In the public-houſe?—Before they were taken into the public-houſe, when he was taken into the public houſe I was deſired to point him out, I did point him out.

Did not you, upon your oath, firſt point to ſomebody elſe?—No.

Was he ſitting in a box with other people when you went into the public houſe?—He was.

I aſk you upon your oath, whether you did not point to the man that ſat next to him firſt?——I did not.

How was this man dreſſed?—In a long white leather apron, a light coloured great-coat and light coloured lank hair.

All

All that you obſerved while he ſnatched your bundle?——Yes, I was flurried.

How long might he be with you ſnatching the bundle?—It might be the ſpace of a minute or two, he ſtepped by me before he ſnatched the bundle from me, and ſtopped me.

In what manner did he ſtop you?—He walked by me.

What account did you give the Juſtice about it?—A very true and juſt account.

What did you ſay?——I *ſubſcribed* the man.

Did not you ſay before the Juſtice that you believed he was the man, and that was all that you ſaid about it; for Heaven's ſake where do you live, where do you come from?——I know where I live.

Do then tell us, for that ſeems to be all you can tell us?——My *abidance* is in Bud's court, Briſtol-alley, Bunhill-row.

What are you?——I am a poor married hardworking woman.

JOHN GILBERT *ſworn.*

I was coming out of my lodgings, the corner of Sun-alley, the proſecutrix was crying for the loſs of her things, and I lighted her up the alley, ſome people belonging to the court were looking for the priſoner with lights, he was found in a ſhed, I ſaw the bundle lay between two caſks over a ſhed of Mr. Randal's in Cooper's-alley, and the priſoner was on the other ſide of the bundle between four beer puncheons.

How near was he to the bundle?--As near as I can gueſs about a yard and a half from the bundle, I jumped off the beam I ſtood on, then I got over and ſaw the priſoner there, I put the bundle into the woman's apron, the priſoner was brought over, and I took hold of his collar, the priſoner deſired we would not collar him, we took him to the Cherry-tree in Whitecroſs-ſtreet, and a conſtable was ſent for, nothing was found upon him, the woman went with me to the Rotation-office, there the priſoner denied any knowledge of the bundle; Hines took the bundle.

Mr. Garrow. This good woman tells us ſhe is a married woman?——Yes.

When did you give her the note of hand about the reward?—About what reward.

Who is the butcher?—He is at the door, John Hutchinſon.

Where was it that you and Hutchinſon and this woman's huſband had the converſation about the reward?——That was laſt Sunday at the Bull.

Was Hyam by?—No.

What he was to be cheated of his ſhare then?——I do not know, the butcher was not there with me, the huſband came to me on Sunday, and ſaid he would ſubpœna me, then I aſked him who was to pay me for my trouble, and he ſaid he would give me a note of hand for my trouble, if I would give him a note of hand for the ſhare of the reward, and he ſaid, if I would give him a note of my hand, he would give me a note of his hand the ſame, I did not ſay that I would do it, I did not ſay any thing at all to him.

You have ſaid he was concealed there, now I aſk you whether he was not there upon a natural occaſion?——I cannot ſay.

Did not you know by certain ſymptoms?——No, I did not.

Was he not undreſſed in part?——I did not ſee him.

Pray who are you Mr. Gilbert?——I am a ſervant in Red Lion market.

JOHN HUTCHINSON *ſworn.*

I took the priſoner between the butts.

Where were the butts?——In Mr. Ambler's yard, they were in his warehouſe, juſt adjoining to his yard.

Could any body go in?——Not without getting into a place ſeven feet high.

How was that ſhed ſhut up?——It was locked up, I ſaw the mark of his foot where he got over, there was room to get over the top of the door.

Did you ſee where the bundle was?—Between the butts juſt by.

Mr. Garrow. That was under the ſhed too?—Yes.

Was you with Gilbert at Peverell's laſt Sunday?—I was at the public houſe, and he came and ſpoke to me.

Was

Was Gilbert there?---Not along with me.

That was the time that Gilbert promiſed you the note of hand?---I told him I lived a hundred and ſixty miles from this place, and I had ſtopped all this while, and ſaid I ſhould be very glad to be ſatisfied, he ſaid, how can I ſatisfie you, I am but a poor man, I cannot ſatisfie you till it is over.

How much of the reward was he to give you when it was over?---He was not to give me any, he ſaid, if the priſoner was caſt he ſhould have the reward, and would give me ſo much a day, according to my earnings, and I would not agree to it.

You would not give up your part of the reward?--No Sir, I ſaid I would not have any hand in it.

You was to have your part of the reward?--If the priſoner was caſt I was to have my part as well as the reſt, and if he was not caſt then I was to have nothing, unleſs you gentlemen pleaſe to give me ſomething.

JOHN BRISCOE *ſworn.*

I was coming up Whitecroſs-ſtreet; the firſt of October, between eight and nine, I heard the cry of ſtop thief; I immediately ſaw the priſoner run out of Red-lion Market into Whitecroſs-ſtreet, with a bundle under his arm, he was taken in Cooper's Alley, but there were ſo many ſtood in the Alley I could not ſee him, but I remarked his white leather apron, and his white lank hair; he was taken into a public houſe, and there was a kind of an attempt to reſcue him, and he was taken to the Juſtice; I am ſure he is the ſame man.

THOMAS HYAMS *ſworn.*

I had this bundle at the Rotation-office, where I carried the priſoner; it has been in my poſſeſſion ever ſince.

Mr. Garrow. Why did not you go out with the reſt of the witneſſes? — I was not deſired to go out.

Court to Proſecutrix. Is that your bundle? —Yes; the ſheets are marked, the bundle contains the things mentioned in the indictment, they were delivered to me to waſh.

Do you know the perſon of the priſoner at all?——Yes.

Do you know whether he is the man that ſtopped you?——Yes.

Are you ſure of it?——Yes.

Is he the man that ſnatched the bundle, or gave you the puſh? —— The man that ſnatched the bundle.

Have you never ſaid that you did not know the perſon, that it was too dark to ſee them, and that they run away?——I never did.

Priſoner. When I was brought into the public houſe there was ſeveral ſitting in the box, and the proſecutrix was aſked who was the perſon, and ſhe pointed to another perſon, then Hyams ſaid directly no, that is the perſon, then ſhe ſaid I had a pair of white trowſers on.

Court. Can you give any account how you came into this ſhed?— Yes, my Lord, I was eaſing myſelf.

JOHN METCALF *ſworn.*

I live in Red-lion Market, I am a taylor, I live with my father, he is a taylor.

Do you remember the evening this good woman was robbed?——Yes, I was in the two pair of ſtairs, I heard the woman cry out below that ſomebody had robbed her, I opened the two pair of ſtair window, and I ſaw her cry out, ſomebody came to her, and aſked what ſort of chaps they were that robbed her, ſhe ſaid ſhe did not know, ſhe ſaid one of them ran down the Alley, and the other acroſs the market, ſomebody ſaid to her, ſhould you know either of them again, Oh! dear, I do not know that I ſhould, ſhe ſaid, for I am ruined; it was a ſtar light evening, and ſhe ſtood under a lamp, there is a lamp adjoining to the houſe.

The priſoner called two witneſſes to his character.

GUILTY.

Of ſtealing, but not violently.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

940. JOHN

940. JOHN HURLEY was indicted for feloniouſly ſtealing, on the 24th of September laſt, two men's linen ſhirts, value 4s. the property of Sarah Hall.

SARAH HALL *ſworn.*

I live in New James-ſtreet, Manchester-ſquare; I loſt theſe ſhirts the 24th of September, out of my kitchen, about two I found the priſoner in the kitchen, with one of them concealed under the waſhing ſtool, the ſhirt was juſt by him, I left it at the top of the great horſe in the ſame room.

Was he a ſtranger?—Yes.

Can you tell how long he had been there?—No.

Where had you been?—No where but in the fore kitchen, which is adjoining to it.

How could he get in?—He might come in through the ſaſh window which opens into the yard, he might either come in at the ſaſh window, or over the wall, I do not know which; the ſhirt is here; it is marked D. P. my ſon came in before the priſoner got from under the ſtool, I made no alarm till he came, then he made him come up.

THOMAS HALL *ſworn.*

On Monday the 24th of September laſt, my mother ſaid, here, here, I went into the kitchen, and pulled the priſoner from under the ſtool; the priſoner is the perſon.

PRISONER's DEFENCE.

I was ſtanding in Oxford Market, and there was a gentlewoman came to buy ſome fiſh, and ſhe told me to take it, and ſhe would give me two-pence, and coming back a woman was looking at the window of the houſes, and I aſked her who ſhe wanted, ſhe ſaid Mrs. Smith, and aſked me to enquire for one Mrs. Smith, a waſherwoman, the ſtairs being dark, I tumbled juſt by the waſhing ſtool, I was not found under the waſhing ſtool; I work at plaiſterer's work, my mother was here yeſterday, ſhe did not think my trial would come on to-day; my father is at home; I am between twelve and thirteen.

Jury. How far was the horſe from the ſtool?——A very little way, quite cloſe.

COURT.

Recommended to mercy by the Jury.

Court. How long have you been in priſon?——Since the 23d of September.

Will your father, or any of your friends, come and ſpeak for you?——I expect my mother.

Privately whipped,

And to be ſent to his father and mother.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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941. MARY LUDLOW was indicted for feloniouſly ſtealing, on the 19th day of September laſt, one cloth coat, value 10s. one waiſtcoat, value 14s. a pair of leather ſhoes, value 1s. a pair of buckles, value 6d. one ſilk handkerchief, value 3s. and two linen ditto, value 2s. the property of George Little.

GEORGE LITTLE *ſworn.*

I am a taylor; I have known the priſoner ſeven or eight years by ſight; ſhe lived three hundred yards from me, on the 18th of September, about eleven, this priſoner picked me up in the ſtreet, and I went home to her lodgings, and I agreed to ſleep with her all night; I gave her three ſhillings in money; about half after three ſhe waked me, and aſked me where my clothes were, I ſaid I was ſurpriſed at the queſtion; I told her I put them on the table; ſays ſhe, your coat and waiſtcoat are gone; where are your ſhoes, I told her I put them under the bed, I immediately got up, and ſhe turned up the bed, there was no ſhoes, nor buckles, and my handkerchiefs were gone, I never heard any more of them.

Was ſhe in bed with you when ſhe waked you?—No, ſhe was not.

Did any other people lodge in the ſame room?——No, it is a room by itſelf; when ſhe told me the things were gone, I aſked her, what is become of them? ſhe ſaid

ſaid ſhe did not know, and if I had any ſuſpicion of her, I had better call the watch; I gave charge to the watchman, and ſhe was committed; I have never found any thing at all, ſhe declared herſelf innocent of the affair.

Do the people of the houſe let rooms to other people?——No, it is a room on the ground floor by itſelf, there is no paſſage through the room.

PRISONER's DEFENCE.

I was going home laſt Sunday was a month very late, between eleven and twelve, I took a piece of candle to the room facing where I live, and this gentleman was drinking, I ſat myſelf down about five minutes, he bid me ſtop, he ſaid he wanted to ſpeak to me; he followed me out in the entry, and aſked me where the young body was that he lived with, I told him I did not know; but ſhe was in bed with another man; I came down to the woman along with him, ſhe told him ſhe was not at home; then he aſked her for ſomething to drink, I went out and fetched them a quartern of liquor, this gentleman drank, and went out in the yard, and ſtaid half an hour, then he came in and aſked me, as he could not find his own young woman, if I would ſleep with him; I told him no, I thought it was very ungenerous, as he had a young body of his own and a child; he chucked me on the bed, I had been drinking, I had not power to get up, I fell aſleep, I waked and the window was wide open; I called the watchman to ſearch the place; I am as innocent of the things as the child unborn; I have known him for above ten years; I have lived ſix years in the pariſh where his father and mother lived.

Does that window open directly to the ſtreet?——Yes, Sir, it is about as high as from this board from the ground; I do not know where he put the clothes, I had been drinking, I was really ſo much in liquor I could not tell; he laid acroſs the bed, with his breeches and ſtockings on.

Proſecutor. She had not been into bed to my knowledge, I locked the door before I went to ſleep, there was no window open at all when I waked; when I went to bed I faſtened the door myſelf, and locked it, and put the key in my right hand coat pocket.

Jury. Was you ſober?——I was not when I went into that place, I was much in liquor at the firſt of it.

Court to Jury. You obſerve ſhe ſtaid in the room, and went and fetched the watchman.

Court to Proſecutor. How long have you known this woman?——About eight or nine years.

Was the woman in liquor?——I cannot tell.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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942. JAMES FORD was indicted for feloniouſly ſtealing, on the 25th day of September, three ſilver teaſpoons, value 7s. and one glaſs ſmelling-bottle, value 3d. the property of William Stoughton.

WILLIAM STOUGHTON *ſworn.*

I live in Charlotte-ſtreet, Rathbone-place, I am a tin-plate worker and brazier, the priſoner came to my houſe with one Captain Kirkland, to dine with me; Mr. Kirkland lodges in my apartments, it was about two o'clock; I underſtand that the priſoner was an intimate acquaintance of the Captain's, they went up ſtairs; Mrs. Kirkland came down to me, dinner was near ready, and aſked me if it was agreeable to aſk the Captain's friend to dine with me that day, as it was a very wet day; I never ſaw the priſoner before, Mrs. Kirkland ſometimes boards with me, I ſaid, if you think there is ſufficient for dinner, I have no objection; ſhe ſaid, I dare ſay there will, if not we will ſend for ſomething for the ſervants, in about half an hour dinner was brought up ſtairs; the priſoner ſeemed to make himſelf very agreeable with

the

the Captain, I really thought he was a particular acquaintance of the Captain's, they were talking of being on board together, and the priſoner ſaid he was on board when Prince William Henry was on board. ſoon after this, dinner came upon table; we dined in the dining-room which Mrs. Kirkland rents of me; after talking a few words after dinner was over, we drank ſome wine together, the Captain wiſhed to go down, and the priſoner ſaid, I think myſelf rather ſleepy, and he went to ſet down on the ſopha by a child of mine; he ſeemed to be quite drowſy; I went out and ſaid I will come home to tea; when I returned in about two hours, Ford was not there; and I heard there was a ſpoon or two miſſing, and I ſaid, I dare ſay it is among the things, the priſoner never returned; when the Captain awaked he ſent for me, and told me there is ſome ſpoons miſſing, and I went to the priſoner's apartments, No. 46, in upper Mount-ſtreet, Groſvenor-ſquare; I knocked at the door, and the landlady of the houſe opened the door, I aſked if Ford was within; ſhe ſaid ſhe believed he was, but he was in bed; this was the ſame evening, about nine; ſhe called him ſeveral times; nobody anſwered, I went upſtairs, in company with Captain Kirkland, and we knocked at the door ſeveral times, and his wife ſaid who is there, ſhe got out of bed and opened the door, ſhe went into bed again; then we went into the room; ſays the Captain why did not you return to tea? ſays he, I went home; ſays the Captain, why did not you bring the three ſpoons? ſays he I have no ſpoons; the other ſaid, if you do not produce them, I will charge the watch immediately, he got up and opened the drawer out of a cheſt of drawers, and pulled out the three ſpoons, which I ſhall now produce to you; I was cloſe by at the time; they were mine, there is the cypher upon them, here is the fellow to them, I ſwear to them; I miſſed a ſmelling bottle, which the conſtable has, which I miſſed the ſame time from my apartments.

This man was a ſtranger to you?——I never ſaw him before in my life.

What was he?—He repreſented himſelf to be a ſeafaring man, the Captain had a direction in his pocket to know where to find him.

Where do you ſuppoſe theſe ſpoons were taken from?——I ſaw them at dinner time; my little boy generally eats with a ſpoon, and there was never a one laid for him, I goes to the cupboard where theſe ſpoons lay, and I took one from the four and left three, and the others were afterwards miſſed; the others were in the cupboard when I left the room.

Mr. Knowles, Priſoner's Counſel. How was the priſoner when he came in, did he appear in liquor at all?——I believe he had been drinking.

I believe he drank a good deal too while he was at your houſe?—They might drink in the whole company about two bottles of wine.

Who were there?——A gentleman that lodges and boards with me, my wife, Mrs. Kirkland, the Captain, and the priſoner.

The ladies did not drink much wine of courſe; do you happen to know who you left in the room?——Mrs. Kirkland left the room, and my wife was up and down ſtairs, the priſoner ſaid he was very ſleepy, and ſat upon the ſopha.

Was not your little boy by the ſide of him?——Yes.

What age is he?——Two years and an half.

Did not you obſerve the child playing with the ſpoons?——No.

You did not hear at the priſoner's lodgings whether the priſoner's wife put the ſpoons into the bureau?——No.

CAPTAIN KIRKLAND *ſworn.*

I know the priſoner is the man that ſtole theſe ſpoons of Mr. Stoughton.

I underſtand he came there with you?—Yes.

How long did you know him?—I never knew him before that day, I came from the Hungerford coffee-houſe, where I laid all night, I had been the night before at Oliphants

phants getting this hat, I had a bill of Exchange for fifty-five pounds ſome odd ſhillings, which I wanted to deliver to my agent, and going to Lime-ſtreet, Leiceſter-fields croſſing the ſtreet over to the Haymarket, I found the priſoner going up the ſtreet, and aſked him the neareſt way to Lime-ſtreet, Leiceſter-fields, which he ſaid, he knew perfectly well it was not all out of his way, that he was going that way, and that he would conduct me; we went there, and at the corner of the ſtreet, he aſked me to have ſome wine and water, I ſaid, I had no objection, at the ſame time, I would go to my agent's, and deliver my bill, and return, which I did, and from that time I went from houſe to houſe, till ſuch time as the man endeavoured to get me intoxicated, with that we came to Mr. Stoughton's houſe, there the priſoner, at the corner of this houſe gave me his direction "No. 46. "Upper Mount-ſtreet, Groſvenor-ſquare, "James Ford;" and in giving me his direction, he told me Edward Ford, ſo I put an E. down, and in contradiction to that, he told me his name was not Edward Ford, he invited me to dine with him, and he told me he had a fillet of veal, I ſaid, I was very glad to dine with any body in the ſea line, I would; he came to Mr. Stoughton's and dined, and I told him I was obliged to go to Mr. Stoughton's at any rate, and I begged of him to conduct me down there, as he had to Lime-ſtreet, when we got there, Mr. Stoughton and a lady that I knew were ſitting at dinner, and I aſked the priſoner to take a dinner along with me, which he readily accepted of; after dinner we had ſome wine; I found myſelf fatigued, and I wiſhed to lay down, and I left him in the dining room, and did not return till I was informed by the proſecutor theſe things were gone, then the priſoner was gone out of the houſe.

Did you go with Mr. Stoughton to his lodgings?——Yes, I found him there, and I made him get out of bed, and deliver them to Mr. Stoughton, he opened the drawer, and took them out.

Mr. Knowles. You were not very ſober then, and I believe you are ſo much uſed to get drunk, that you do not know when you are ſober?——We had been drinking at two or three different houſes.

Did not you find the priſoner by that direction which he gave you?—Yes.

I believe this drinking of your's brought you acquainted?—It did not, our acquaintance proceeded from our going to the Haymarket.

The reaſon you did not dine with this man was becauſe you gave him an invitation to dine with you?—Yes.

Do not you know that the priſoner was ſo intoxicated, he knew nothing about it?——No, I do not remember anything of the circumſtance, I begged he would excuſe my laying down.

Was he denied to you at all?——Yes, he was denied inſomuch the woman of the houſe ſaid, that I could not ſee him, that he was in bed.

She did not deny his being in the houſe?——No.

JAMES PARKE *ſworn.*

I am a conſtable, I ſearched the priſoner in the watch-houſe, after I took him into cuſtody, and I found this ſmelling bottle in his waiſtcoat pocket, I aſked him how he came by it, he ſaid he did not know.

Proſecutor. I cannot ſwear to it, I only ſwear that one was miſſing, that is all I know.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of Janet Ford.

PRISONER's DEFENCE.

On Sunday morning I was coming from the veſtry clerks, near Charing-croſs, on my return I met this gentleman, he aſked me his way to Lime-ſtreet; I ſaid, I would ſhew him, I walked with him to the end of Lime-ſtreet, then he aſked me if I knew where he could get ſomething to drink, I ſaid, there was a public houſe at the corner, he wiſhed ſome brandy and water, I condeſcended to go along with him, I told him I ſhould rather not drink, he preſſed me ſeveral times to drink; I ſaid, if I did drink any thing, it muſt be white wine and bitters, he called for a gill of wine for me, and he drank the brandy and water, he went to his agent's, and I had a ſecond gill of wine, then he produced a letter, where there was a woman's addreſs, that lived at a hair-dreſſer's, in Glanville-ſtreet, going along it rained, he went into a public houſe, and called for pen, ink and paper, wrote a letter or two, then he drank ſome white wine and water, then he went to No. 13. in George-ſtreet, where there were two or three women, I waited ſometime in the paſſage, I ſent him ſeveral meſſages, at laſt a woman opened the door to me, and the Captain was laid on the bed with his clothes on, and a woman by the ſide of him, I waited ten minutes longer, he then ſeemed to be at a loſs, where to go, I told him that I had ſome roaſt veal at home that day, and he was extremely welcome to dine with me; he called for a coach, and drove to that gentleman's houſe, in Goudge-ſtreet, then he introduced me up ſtairs, and introduced a decanter of brandy, I was quite intoxicated, prior to this I gave him my addreſs, and there he found me; the woman of the houſe I preſume is here, who can ſupport every thing I ſay reſpecting of this; I came home, and as ſoon as I came home, I was immediately put to bed: I found when they left me in the room at the proſecutor's houſe, there was a female child left in the room with me, how I came by this property, I do not know, the Captain went and deſerted me, and laid on his own bed, and how I got home I cannot tell; here are ſeveral reſpectable characters who have known me twenty years, and never knew me guilty of the ſmalleſt thing, till this unfortunate affair; when they came to charge me with this matter, theſe gentlemen had both been in the room a conſider-

able

ble time before I came to my ſenſes, they drew out all my clothes, in conſequence of that I ſearched my pockets, I immediately reſigned them to that gentleman; from nine in the morning, or thereabouts, I had been drinking brandy and wine and bitters, till he was ſo drunk, he was obliged to go to bed in his boots, and it was not extraordinary that I ſhould be drunk.

Court. Do you deſire Mr. Stoughton ſhould be aſked in what manner the ſpoons were produced?——Yes.

Proſecutor. I have related it already; immediately as the Captain had told him about the ſpoons, he began to laugh, the Captain ſaid he would not be laughed at, he ſaid I have none, he immediately jumped out of bed, opened a cheſt of drawers, put in his hand, whether in a pocket or not I do not know, and produced the ſpoons; then he downed on his knees, and begged pardon, and hoped I would not proſecute him.

GRACIA JACKSON *ſworn.*

The priſoner lodged with me; he was ſtrongly recommended to me by a perſon that had known him a many years; he came home at night intoxicated in liquor, which I never ſaw him before, between ten and eleven the proſecutor and another gentleman came and knocked at the door, and aſked if Ford did not live there, I ſaid, yes, I ſaid, I believed they were both in bed; they deſired me to go up with Captain ſomebody's compliments, but I cannot tell his name, I went up firſt and knocked at the door, and the priſoner's wife is very hard of hearing, and I could not make either of them anſwer, I came down again and ſaid they were both of them faſt aſleep; the Captain then deſired me to go up with a light which I did, the proſecutor ſaid I will wake them, after ſometime his wife came to the door, and aſked what the gentlemen wanted, the Captain ſaid, Captain ſuch an one wanted to ſpeak with him, ſhe ſaid it muſt be a miſtake; the priſoner lay on his left ſhoulder, the Captain to the beſt of my knowledge, went and ſhook him in this manner, and ſaid Mr. Ford! awake! he opened his eyes, and could not for ſometime make out what it was, Mrs. Ford deſired me to withdraw, which I did; they came down ſtairs ſoon after, when the Captain came down ſtairs, I ſaid to him, Sir, I am affraid here is ſome eruption, what may it be; the Captain aſked me how Ford behaved, I told him he was exceedingly well recommended, he came to me on the 17th day of September, that was the 9th day.

Mr. Knowles. When he came to your houſe in the evening, do you think he had any ſenſe of what he did?——I do not think he had, I do not from my heart, he could not get up ſtairs or ſcarce go along the paſſage.

Mrs. WILLINGTON *ſworn.*

I have known the priſoner between two and three years, I never heard any thing of him but a very honeſt character, he has lived with Sir William Wake, and Sir Thomas Burton, I believe he was diſcharged from the ſervice of Sir Thomas Burton when Lady Burton died, and ſince that he has been in the country to ſee his friends, he bore a very good character as far as ever I heard.

Court. Had you any opportunity of hearing any thing about him?—I am a laundreſs and I waſhed his linen all the time.

Do you know whether he was ever at ſea?—No Sir, not to my knowledge, he always paid me very honeſt.

——— PALLARD *ſworn.*

I have known the priſoner about ſixteen months, he has lived ſervant with Sir William Wake, he has lodged at my houſe in the capacity of valet and butler, I never knew any harm of him.

——— STOBIN *ſworn.*

I live in Adam-ſtreet, Portman-ſquare, I have known him between three and four years, he lived with me about ſix or ſeven months, he behaved very genteel, I never ſaw him in liquor, he always paid me, I thought and found him an honeſt man.

——— FISHER

——— FISHER *sworn.*

I live in Saint Alban's-ſtreet, I am a fruiterer and green-grocer, I have known the priſoner nineteen years, two gentlemen lodged with me and the priſoner was ſervant to one of them, he was very honeſt and ſober, I never ſaw him fuddled, I always heard a good character of him.

Do you know whether he has ever been at ſea?——I never heard that he had.

——— MOULD *sworn.*

I am a hair-dreſſer in Oxford-ſtreet, I have known the priſoner eight or nine years, as good a character as ever I heard of a man in my life, according to his profeſſion as a ſervant, much reſpected by people that knew him, I have known him in ſeveral places of truſt.

——— LEWIS *sworn.*

I am a hair-dreſſer, I have known him about eight years, I have always underſtood he was a very honeſt man, I never heard any thing to the contrary in my life, I have known many acquaintance of his, he always bore a very good character as a very honeſt man, he was a gentleman's butler.

——— TIMBERLY *sworn.*

I live in Oxendon-ſtreet, I am a wax and tallow chander, during the time I have known him he has lived in families I have ſerved, and I never heard any thing to the contrary, but he was a very honeſt man.

Court to Stoughton. You ſaid ſomething in the courſe of your evidence in converſation between the captain and him, of the captain's ſaying you muſt know me?---He ſaid he was on board the Warwick, captain Elphinſtone, at the time that Prince William was on board the ſhip, the captain immediately replied, then you muſt know me, for we laid anchored off there by her, you muſt know me ſaid he, I viſited at the port frequently.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

943. JAMES ROOK and JAMES JORDAN were indicted for that they, on the 22d of September laſt, feloniouſly did aſſault one James Stewart on the King's highway, and did then and there demand his monies, with a felonious intent his monies from his perſon and againſt his will, feloniouſly to ſteal, take, and carry away.

JAMES STEWART *sworn.*

On the 22d of laſt September, I was coming home through Wellcloſe-ſquare, about half paſt ten or rather better, it was on a Thurſday night; the two priſoners came up to me, one laid hold of one ſide and the other of the other ſide, they ſaid, "*it did not ſignify, money they wanted, and money they muſt have.*" They took hold of me by the lappels, they ſaid no more to me; I thought of laying hold of them, and calling out watch, but upon a ſecond reflection, I threw my arms againſt one, and extended them, and drove the other againſt the wall, and called out watch, with that one of them recovered himſelf and gave me a ſtroke under the eye, which gave me a black eye, they ran, and I after them, and by Nephine-ſtreet, one of them turned down, and two or three watchmen were gathered together, and they took Rook, and I went after Jordan.

Are you ſure the other man is the ſame perſon?——I think he is the ſame.

Can you undertake to ſwear poſitively that he is?——I certainly can now or I would not have ſworn at firſt, he was not out of my ſight five minutes before he was brought to the watch-houſe, it was a moon-light night.

Are you quite ſure of Rook's perſon?--I think it is the ſame perſon.

Thinking alone is not ſufficient, can you undertake to ſay with certainty it is the ſame perſon?—I poſitively can.

JOSHUA GRAHAM *sworn.*

I belong to the liberty of the Tower of London, on the night of the 22d I ſat up to look after the watchmen, I ſat the watch at ten, and I went out at the half hour with the

the watchmen, not the way that he went but another way, and I was up at the further end of Grace's alley, talking with another officer; and I went into a house about five minutes, and then the man was gone from the box, I went to the watch-house and went in, and they said they had got a man, a thief, I enquired who gave charge, the profecutor faid he did; the prifoner Jordan was then in the watch-houfe, and he faid he charged him with intent to rob him and aflault him; I took him and fearched him and found nothing upon him but a fhut knife, a pocket knife, and I think I recollect nothing but two fixpences or two fhillings, I know one of them had two fhillings and the other had two fixpences and fome halfpence; before I had done fearching him Rook was brought in, the gentleman faid directly that was the other, he could pofitively fwear to him; nothing was found upon him only a common knife, and fome filver.

GEORGE TYLER *fworn.*

On the 22d of laft month about half after ten or better, I heard a great noife crying out watch, I went and looked down Grace's-alley, and I faw the prifoner Jordan crying ftop thief, and the profecutor was after him, and he came up and faid he was the man, and pofitively he could fwear to him.

What did he fay the prifoner did?--That he offered to rob him.

LLEWELLIN JONES *fworn.*

I heard a noife and I ran after the prifoner Rook, he cried ftop thief, and in Virginia-ftreet a man came out, one of the watchmen hit him over the leg, and I came up and took him, he faid do not ufe me ill for I have hurt nobody, I faid, what did you run for, he faid there were a good many run as well as me; I took him to Wellclofe-fquare and put him in the watch-houfe, there was the profecutor, who faid directly, that is one of the men that ftopped me.

Mr. Garrow, Prifoner's Counfel. My Lord, I beg leave to trouble the Court with a few obfervations on the indictment; I have forbore to ask a fingle queftion of any of the witneffes, becaufe it feems to me to be the fhorteft way to take your Lordfhip's opinion at this ftage of the bufinefs: this offence, or rather the offence intending to be described in the indictment, arifes on an act of parliament made in the 7th and 8th years of the late King: and from the preamble of that act coupled with the enacting clauſe of it, it feems to me to be clearly decifive that this indictment cannot be fuftained; it recites, that many of the King's fubjects have been put in great fear and danger, and that the punifhment of *fuch* offenders, (that is, of offenders who aſſaulted the King's fubjects with intent to rob, and put them in fear and danger of their lives) was not fufficient. My Lord, I am perfectly confcious that I am addreffing myfelf to a Court that know perfectly well what is meant by aſſaulting and putting in fear, and that it conftitutes a highway robbery; now this preamble fays, this is with intention to rob; thofe acts of parliament therefore were not intended to protect perfons from *bare larcenies from the perfon*, but were intended to meet a new fpecies of offence, where perfons with arms, or by violent menaces, or by force, which might on perfons of a firm and found mind produce fuch terror as to cauſe them to part with their property, did aſſault the King's fubjects with intent to rob; and the legiſlature thought that this was an offence fit to be puniſhed in fome feverer fort; therefore they inflicted the fentence of tranſportation: then the entering clauſe goes on to fay, that this penalty fhould apply to perfons who fhould either with offenfive weapons, or by menaces demand any money or goods, *with felonious intent to rob, or commit robbery upon fuch perfon or perfons* to whom fuch menaces fhould be applied. My Lord, my objection is firſt, that there is no menace of the fort defcribed by this act of parliament in this indictment.

Court. You have dropped one part of the act of parliament, which adds "or ſhall by any forcible or violent manner *demand*" theſe are the words upon which the preſent indictment is framed.

Mr. Garrow. Then, my Lord, in the firſt place I take the liberty of ſaying, upon this evidence it is entirely impoſſible for the Jury to find that there has been an aſſault in a forcible or violent manner; the evidence of the proſecutor was this, that he was either met or overtaken, or found himſelf in the way of the priſoners, and one of them made uſe of this expreſſion, "money we want, money we muſt have." Now I need not ſtate to the Jury that that expreſſion is perfectly equivocal, it is the language of threat, of menace, or the language of ſupplication, of indigence in the mouth of a beggar; there is no ſort of pretence that this was accompanied by any force, or by any indication on the part of the perſon aſking, that he intended to diſtinguiſh his application from that of a beggar; a man earneſt for a bit of bread, might addreſs the perſon of whom he ſought relief by laying his hand on any part of the body, and moſt naturally on the ſhoulder of ſuch perſon; But ſtill, my Lord, I have a clear and palpable objection, becauſe the indictment ſtates this, and this only, becauſe it ſtates that it was with a felonious intent his monies from his perſon and againſt his will feloniouſly to *ſteal, take and carry away*; that is the deſcription of a ſimple larceny. I take the liberty of obſerving that it was not to protect perſons from ſimple larceny, but from that higher offence, and in order to the conſtitution of which, there muſt be a threat applied to the perſon from whom the money is demanded: this indictment does not ſtate in the words of the act of parliament, that this was with intent to rob or to commit robbery; and it ſeems not to have been enough for the legiſlature to have contented itſelf with one expreſſion; but leſt any man of leſs ſenſe than all thoſe who conſtitute this Court are bleſſed with, ſhould miſtake; the legiſlature ſeems to have been anxious to have pinned down the ſenſe, and to have marked its meaning ſo, that no man could poſſibly miſtake it, for it goes on to ſay, "*with intent to rob, or with intent to commit robbery,*" marking it as contra-diſtinguiſhed from an attempt to commit ſimple *larceny*. My Lord, I contend on the part of the priſoners, that it is incumbent on the proſecutor to purſue this act of parliament in its very letter; he has not done ſo, he has not charged that they did it with a felonious intent to commit a robbery, or that he meant to take his goods forcibly or violently: I do not mean that the indictment ſhould neceſſarily have found in it, the words with a felonious intent to rob him, or to commit robbery; but this I contend, it is clearly and indiſpenſably neceſſary, that upon the indictment there ſhould be a clear and unequivocal deſcription of an intent to commit *an highway robbery*: now here is a clear deſcription of an intent to commit *larceny*, but I defy any man with legal notions about him to ſay, here is the deſcription of a *highway robbery*: your Lordſhip knows there muſt be fear, or at leaſt there ſhould be ſuch a perſonal attack upon a man that a firm man might be put in fear, and part with his property, or have it taken from him; and this indictment deſcribes it to be with a felonious intent, feloniouſly to ſteal, take and carry away his goods; that is a clear deſcription of larceny. My Lord, I am aſhamed to have taken up the time of the Court ſo long, I conclude with ſubmitting to the Court, there muſt be a clear deſignation of an intent to commit a robbery.

Court. I will firſt leave it to the Jury, and if any doubt is entertained, I will mention it to the learned Judges, and if they entertain anydoubt, the caſe ſhall be reſerved. I think it would be more correct if the words by force or violence were added: as to the other point, if the Jury are of opinion the priſoners meant to beg and not to rob, I ſhall direct an acquittal.

Mr. Garrow. My Lord, I have no objection to your Lordſhip's purpoſe, and I am ſure, that after what I have experienced ſo often of indulgence, I ſhall be forgiven if I make

I make this obſervation: I obſerve that the mode in which it might be attempted to reconcile the indictment to the ſtatute is this, by taking in the whole deſcription that might be collected out of the indictment; but I ſhall take the liberty of ſubmitting to this Court, that you cannot look further back than beyond the word intent, I take it that the other is a diſtinct part of the offence, that is, the aſſault, in a forcible and violent manner, of demanding money: the other part the Jury are bound to find, namely, that it was with a felonious intent to rob, that feloniouſly, and againſt his will, and by force, they took the goods: therefore, it ſeems to me as if it was impoſſible to couple the two parts of the indictment, ſo as to make up one perfect whole to ſatisfy the act of parliament.

The priſoner Rooke called two witneſſes, who gave him a very good character, and ſaid he was a midſhipman on board the Bellamont Eaſt Indiaman.

The priſoner Jordan called one witneſs, who gave him a very good character.

JAMES ROOKE, JAMES JORDAN, } GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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944. JOHN CLEVERLEY was indicted for feloniouſly ſtealing, on the 14th day of October, fifty-ſix pounds weight of French plumbs, value 27s. and one deal box, value 6d. the property of Morris Thomas.

MORRIS THOMAS *ſworn.*

I am one of the watchmen of the quays, I take care of the merchants property; laſt Friday morning the priſoner came down Smart's Quay, next Billingſgate, I told him it was not a proper place, therefore he muſt depart, he went away rather unwillingly, it was about half after three; he had a box of plumbs; I am anſwerable for all ſorts of goods that are loſt, I have paid above a hundred pounds for deficiencies.

Jury. Do you know the marks?—— F. M. with F. P. at the bottom.

Court. Do you know what the cargo is that you are watching always, whether they are plumbs, currants, or raiſins?—— Yes.

How are you paid?——Half a crown for every twenty-four hours, which is but five farthings an hour.

GEORGE THOMAS *ſworn.*

I am employed by my father to look after this fruit, and laſt Saturday was a week, between ſeven and eight, the priſoner came down and got in where theſe French plumbs were, I got a lanthorn, and got him down, on Sunday morning he came the ſecond time, and attempted to go up there, and I again drove him away, I ſaw no more of him till I ſaw him at the Juſtices; I knew him to be the ſame man that I had ſeen loitering about the quays before.

EDWARD DOUBLEDAY *ſworn.*

I took the priſoner with this box; he was put into the priſon which joins to the watch-houſe, and he broke into the watch-houſe, and made himſelf a fire by himſelf, and locked the people out; when we went to take him to the Juſtice's, he *boated* for an hour; the box was owned by Thomas; this is the box; he would not go to the watch-houſe, he ſaid he was going to his lodgings.

Priſoner. I do not know what they ſay about it, I am ſure.

What countryman are you?— An American.

What did you do with that box?—I was going to take it home to my lodgings.

Where did you get it?——I got it down pretty nigh down the Cuſtom-houſe Quays ſomewhere, where he ſays, I believe.

How came you to think you might take a box from that place and carry it to your lodgings?

lodgings?——I was walking about ſeveral times, and ſaw the watchmen all aſleep, and I thought they were not fit to take care of things. I had loſt a half-penny worth of bread, and I thought I would try what I could do with the watchmen, ſuch watchmen as go to ſleep; I did not mean to rob any further than to take the box, I did not mean to ſell it, nor to make a property of it, only to ſee if I could frighten the watchmen a bit; I ſhipped in Captain Califf's ſhip, he was the owner of the ſhip; I was kicked out of doors, and taken up by the watchmen, by half a dozen of them, armed with cutlaſſes, they told me I was mad; I walked myſelf about, and ſaw what was going on, and I thought it was better to walk about than to ſerve Cæſar, or any of his works; I have been to ſea ſeven years this laſt ſummer, the beginning of September I came here in the Friendſhip, Captain Samuel Milford.

Where is that ſhip now?——I believe ſhe is in the river, if I do not miſtake.

How long have you been on ſhore?——Almoſt a twelvemonth, I was on board a vaſt many ſhips working them out, lumping; I always paid my way, I lodged in one place for ten months, they told me I was mad, and ſent thouſands of people after me to murder me.

Court to Morris Thomas. Did you know this man before?——I do not know that I ſaw him before that morning, but he is well known to be upon the quays before.

George Thomas. I have ſeen him frequently there, I never ſaw him work nor ever ſaw him go to work when they called to work.

Watchman. He got into the watch-houſe and there he faſtened himſelf in, and made himſelf maſter of the watch-houſe, and made a great fire.

Jury. Are they all the ſame numbers?——No, various numbers, but the ſame marks.

Court to Thomas. Was you on duty that night?——I was, the whole night, I turned him off the quay that morning.

GUILTY.

Recommended to mercy by the Jury.

To be fined 1s. *and impriſoned one month in Newgate.*

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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945. JOSEPH OSBORN was indicted for feloniouſly ſtealing, on the 20th of September laſt, ſix razors mounted with ſilver, value 21s. ſix horn box combs, value 1s. three other combs, value 6d. ſix pair of curling irons, value 2d. one caſe for a razor and ſtrap, value 6d. one tooth pick caſe, value 1d. a powder box, value 3d. a ſmall inlaid box, value 6d. a ſhaving box, value 3d. one other box, value 6d. one pincuſhion box, value 3d. a rouge box, value 3d. four bundles of long hair, value 5s. one German ſteel razor, value 4d. two pair of ſciſſars, value 4d. one tortoiſeſhell caſe, value 5d. one pot of orange pomatum, value 3d. one pot of ſoap, value 2d. one ſheet of court plaiſter, value 3d. fifteen pair of rollers, value 12d. a ſilk roſe for the hair, value 2d. one pair of ſtockings, value 6d. one waſh-ball, value 2d. two powder machines, value 6d. ſix tortoiſeſhell combs, value 5s. ſix tortoiſeſhell combs, value 5s. and ſix tortoiſeſhell buckling combs, value 5s. the property of Charles Sharpe.

CHARLES SHARPE *ſworn.*

I live in Fleet-ſtreet, I am a perfumer, at the time of the robbery I was at Cambridge, I can only prove ſome part of the property.

THOMAS BISH *ſworn.*

About the 20th of September laſt, I was at breakfaſt at Mr. Wright's in Fleet-ſtreet, and their bar-maid came in, and ſaid, a man

man had been enquiring for Mr. Sharpe, knowing him I went out, and he deſcribed the young lad, and I went to Mr. Thompſon, the conſtable, and took him up to Mr. Sharpe's houſe, I took the priſoner who was Mr. Sharpe's boy, and we went and ſearched his box, and we found the things mentioned in the indictment, the priſoner then told us of a lad named Riley, we went and found ſome more goods in his box, in a court in Leadenhall-ſtreet, the priſoner's box was in a garret in Mr. Sharpe's houſe, locked, he had the key in his pocket; here is a liſt of the things found in his box which was written at the time, they were delivered to the conſtable.

EDWARD PARMINTER *ſworn.*

A man came into our ſhop, and brought in ſome combs, which he ſaid he had of our boys, I took the combs, and the man's direction, he lives in Biſhopſgate-ſtreet, I have not his name, I took Riley's direction, I ſaw theſe things found in the priſoner's box, the box was locked, the priſoner had the key.

JOSEPH THOMPSON *ſworn.*

I was ſent for on the 20th of September, to Mr. Sharpe's by Mr. Biſh, and ſearched the priſoner, and in one of his pockets I found this new machine; I then found the key of his box in his pocket, and I found the things which I produce, in his box, and likewiſe this bunch of keys, one of theſe keys opened a many of Mr. Sharpe's drawers.

Mr. Sharpe. In January laſt, I had an accident of fire in my houſe, and a coat was loſt, in the pocket of which were theſe keys, I apprehended they were deſtroyed, the boy was only with me five weeks, conſequently he muſt have had them from ſome other ſervant.

WILLIAM RALEY *ſworn.*

I have known the priſoner about nine months, the things that were in my box were given me by the priſoner at the bar.

Where did you live?—I live with Mr. Cotton, in Fenchurch-ſtreet, a picture-frame maker.

What was you to do with theſe things?—I was to ſell one dozen and an half for the priſoner, and the reſt he gave me to keep for myſelf.

Court to Sharpe. Can you ſwear to any of theſe things?——I can ſwear to ſome of the things that were found in the boy's box, theſe razors have my name upon them, but I cannot poſitively ſwear to them, here is a powder box, marked by one of my clerks, and a pair of ſtockings marked, I know them perfectly, all the things that are here are the common run of ſtock.

PRISONER's DEFENCE.

A great many of theſe things were given me by a porter that lived at Mr. Sharpe's, not all of them, he perſuaded me to it.

Mr. Sharpe. The porter has abſconded, the priſoner came to me an errand-boy and general ſervant, I had an exceeding good character of him from Mr. Lloyd, an attorney, in Chancery-lane; and indeed I am induced to believe that what the boy has told you is true; I do not doubt but the keys were given him by this porter, and he induced him to take the things.

GUILTY.

Mr. Raley. My Lord, I am the father of the witneſs Raley, a lad whom I have brought up with the greateſt tenderneſs, I have done all I can for him, I am very ſorry to ſee him in that ſituation; I wiſh him now to receive that reproof that may penetrate his mind, I am father of a large family, eight in number; I cannot admit him into my houſe, but I will put him into a place of ſafety up at Hoxton; I have adviſed him to go to ſea, I will get him a birth.

Court to young Raley. I am very ſorry, young man, to hear this account of you from your father, you muſt have behaved very ill indeed; you have had great good fortune in not being yourſelf proſecuted, you ought to have been proſecuted, and if

you had, the evidence that came out to day, would have involved you in the same guilt, and the same disgrace with this unhappy young man; and I hope if you have any feelings, that his fate, and my public exhortation to you, will have some effect upon you, and that you will not go on in practices, which in all probability must bring your unhappy father with sorrow to the grave, as well as draw down certain destruction upon yourself; you will be delivered into his care, submit to that restraint that he imposes upon you, and to that course of life which he thinks fit to mark out to you, and endeavour by your future conduct to deserve that he may forget what is past, and that you may become an useful member of society.

Mr. Raley the elder. I return your Lordship many thanks.

Mr. Keys, foreman of the Jury. My Lord, it is the wish of the Jury to recommend the prisoner to mercy, as supposing he may have been drawn in by the porter, and as that witness, young Raley, appears to have been a partaker in the guilt.

Court. Gentlemen, the thing that alarms me, is the example; because put it to your own breasts, you all carry on trades in the city of London, and you are all obliged to entrust your property to your servants: I have therefore always held a very strict hand over this particular crime, because it seems to me, as if men's property depended intirely upon never relaxing the punishment due to servants that rob their masters; now having said this to you publickly, if you still wish this boy should find favour, I for one will not oppose it, though I cannot heartily approve of it.

(The Jury did not repeat their application.)

Transported for seven years.

Tried by the first Middlesex Jury before Mr. Baron EYRE.

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945. THOMAS ENGLAND and MARY DAVIS were indicted for feloniously stealing on the 8th of October, one silver watch, value 40s. a steel chain, value 6d. a seal, value 6d. a key, value 1d. the property of Samuel Christie.

SAMUEL CHRISTIE *sworn.*

I live No. 24, Piccadilly, I lost my watch, I was going up the Haymarket, soon after ten, I saw the prisoner Davis assaulting a man that keeps a stall of different things on the left-hand side going up the market, it was on Saturday week, I crossed the way and she took a look at me, she had hold of the man by the collar of the shirt, and shaking him about, and she broke a lamp that shewed the light over his goods, he was calling out for the watchman, and she let go of him, she looked at me and was using the most infamous language that ever proceeded out of any body's mouth; she caught hold of me by the collar of my shirt, she said at that time, you took the Jew's part and you struck me, she pulled me by my breast and the collar of my shirt, and I endeavoured to undo her hand from my shirt, and I found I could not without tearing my shirt all to pieces; if you would only allow me to speak on I will tell you more particularly, and when I found that I thought I felt somebody touching me over the waistband of my breeches; she pulled me almost to the ground, and drove my hat off, then I suspected the robbery, because she pulled in so desperate a manner, I called out, Oh my watch! before I had put my hand down; there were a great many people gathering at the time, the man (prisoner) was before the woman, I saw him before it happened, I called out all along, my watch is gone that very minute.

How came you to think of your watch?—Why I suspected from this, from her hands being at my neck, to my knowledge the man never put a hand to me.

Did you feel her hand at your watch, or any thing of that sort?——No, I cannot say I did, when she was dragging me down I certainly felt something move.

You say the man did nothing?—Not to my knowledge, but I was so busy with the woman

woman that I do not know, but however the woman had hold of me while I was robbed of my watch.

Then you cannot tell whether she took it or who took it?—No, I cannot, but I am sure it was taken while she held me, and was dragging me down to the ground.

What became of your friend the Jew that you had released from her?—He was standing by.

Did not he help you as well as you helped him?—He was minding his goods I believe, the woman endeavoured to make her escape, and by the assistance of the man prisoner and some others, was out of the hands of the watchman, I believe twice, if not more, I caught hold of her twice, she wanted to get away, she got my thumb in her mouth, (Ah you need not laugh, the marks are here yet,) I secured her till two or three watchmen came up, I never got my watch again, it was a silver watch.

Do you deal in watches?—No.

What business are you?—I am a taylor *to business*; I do not know the maker's name of my watch, nor the number, it was to be brought to me by a person that knew it, but they have not, then the woman was searched for the watch at the watch-house, nothing was found, I am sure this Mary Davis held me while I was robbed of the watch.

What was she doing to your friend when you came up?—He was shoving her off desiring her to go from his goods; they have a stall against the side of the house, with buckles, watch-chains, and keys, and different things.

Court. Why did not you get out of her way?—I did not suspect I should be catched hold of and robbed, I was not afraid of my watch at first, till she almost dragged me down on the ground, she pulled me down with such *despair*, that caused me to suspect a robbery.

Was you there by yourself without any assistance?——Not one that I knew was there; the prisoner England obstructed the watchman taking her to the watch-house, he told the people not to meddle with the woman, but to let her take her own part, while she had hold of me.

Mr. Garrow, prisoner's counsel. They did not know you was a taylor?—No.

The people had a mind to see a battle between you?—I do not know, but it was no battle, at least it was a disadvantageous one to me when I lost my watch; I am free before God and my own conscience to declare that I was held by her when I lost my watch.

The fact is, that you like a fool entered into a squabble with this woman, in defence of poor Mordecai, and got a good beating, and your thumb bit, and lost your watch?—His name was not Mordecai, you are mistaken there, his name is Solomon.

So you came up in the God-speed, let the Jew loose, and engaged with this Christian female; did not the people think it was good fun to see the taylor and the woman engaged together?——I am not to be brow beat, though you may suppose yourself a very wise man.

——— KENDRICK *sworn.*

Saturday sevennight I was coming down the Haymarket, I was standing with Mr. Solomons the Jew, asking the price of a pair of buckles, nobody was nigh us, she came up to me and behaved very indecent, and went to the Jew and behaved so to him, and the Jew pushed her away, and told her to go away about her business; then she came the second time to him, and she ran to break his glass, and he caught her hand before it came down on the glass, it was a shew glass which stands with things in at the side of the public-house; then she broke his lamp, then he asked her what she meant, and she said what are you going to kill me, rob me or murder me, she made very bad oaths, and raised a mob, and called me very bad names, then Solomon sent for the watch and charged her, then the prisoner England came up and said, gentlemen consider it is a woman, do not ill use her, that was all the words I heard him say, and the prosecutor came across over the way, then she caught hold of him, and said, you bl——y thief, you have knocked me down twice, she

caught

caught hold of him by the frill of the ſhirt, and ſhook him till the watchman was ringing his rattle, and I went down to ſeek for aſſiſtance, and I heard the proſecutor call out, I have loſt my watch, I never ſaw the proſecutor before, when I heard the proſecutor call out I have loſt my watch, I directly turned round and ſaw the man priſoner ſtand pretty cloſe to the woman, but I did not ſee him do any thing to the proſecutor, nor did I hear the proſecutor charge him with doing any thing to him.

JAMES BARBER *ſworn.*

I am a watchman, I heard a noiſe, I went there, and when I came the priſoner Mary Davis was ſtriking Solomon who keeps a hard-ware ſtall, I went to puſh her away, and told her to go about her buſineſs and not make a diſturbance there; ſhe charged Mr. Solomon for uſing her ill, and Mr. Solomon ſaid watchman I charge you with that woman; the priſoner England came between us and ſaid, let the woman go, I ſaid, do not you interrupt me in my duty, ſtand off, and I pulled the priſoner Davis towards me; all of a ſudden ſhe ſeized the proſecutor by the breaſt in this manner, then in a very ſmall ſpace of time after, ſhe ſeized him by the collar, and he cried out, I have loſt my watch, then a croud came and ſeparated us, when ſhe was in the croud ſhe cried out England, England, take my part, do not ſee me hurt; after the woman was in my cuſtody he ſaid, do not uſe the woman ill, take her to the Juſtice, or to the watch-houſe, or ſomething of that ſort; ſhe was ſearched by the watch-houſe keeper's wife, and nothing was found upon her; the very inſtant ſhe ſeized him the watch was taken away, I do not know by whom, I did not ſee the man at the time it was done.

Mr. Garrow. How long has this poor fellow been in cuſtody?——On Saturday night the 8th of October.

FRANCIS HILSLEY *ſworn.*

I am a carpenter, I heard the watchman's rattle and heard it again, and heard murder cried, the woman had the man by the collar, and ſhe cried out murder, and ſhe charged the watch with him, at the time ſhe had hold of him ſhe called out, England do not ſee me hurt; all this was before the watch was loſt.

How long was it after that, before the man ſaid he had loſt his watch?—She quitted his pocket and took him by the hair of the head, and ſhe got his head almoſt between her legs.

Jury. I think it is a pity to go any further.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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947. JARVIS BRADBURY was indicted for feloniouſly ſtealing, on the 20th day of September laſt, ſix pair of iron hinges, value 3s. the property of William Corvan.

WILLIAM CORVAN *ſworn.*

I live in Biſhopſgate-ſtreet, I am an ironmonger, I loſt theſe things the 20th of September, I found the priſoner in my ſhop by my counter, I aſked him what he wanted, he ſaid a pennyworth of bell-ſtaples, I put them into a paper, and gave them to him; he was going away, my ſervant ſeeing him going away, went and took the parcel from between his legs as he was going out, there were ſix pair of hinges in the parcel.

MARGARET STORY *ſworn.*

I ſaw the priſoner put his hand, and take ſomething, and took it from between his knees.

Priſoner. I know nothing of it.

The priſoner called four witneſſes, who gave him a good character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Baron EYRE.

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948. THOMAS BAND was indicted for feloniouſly ſtealing, on the 18th day of October

October, ten pounds weight of old braſs, value 5s. the property of Edward Piſtor and John Piſtor.

EDWARD PISTOR *ſworn.*

I am in partnerſhip with John Piſtor in an organ manufactory, I cannot aſcertain the time when we loſt this braſs, it was found in the houſe of Mrs. Hobſon laſt week; I know it to be our property; the priſoner was a workman of ours; we employed him frequently.

MARGARET HOBSON *ſworn.*

I live in Petticoat-lane, I keep a ſmith and brokers ſhop, I bought the braſs of the priſoner at the bar at different times, I do not remember the weight.

John Perrot produced ſome braſs he bought of the priſoner.

Priſoner. I know nothing of it.

The priſoner called three witneſſes to his character.

Court to Mrs. Hobſon. Did he ever deal with you before? — Yes, about half a year before; I told Mr. Piſtor what ſort of a man he was.

GUILTY.

To be tranſported for ſeven years.

Tried by the firſt London Jury before Mr. Baron EYRE.

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949. JOHN ADAMSON and BURGESS TRANTER were indicted for feloniouſly aſſaulting Michael Dalley on the King's highway, on the 24th of September laſt, and putting him in corporal fear and danger of his life, and feloniouſly ſtealing from his perſon, and againſt his will, ſix ſhirts, value 20s. thirteen ſtocks, value 10s. the property of David Carr, Eſq; four men's ſhirts, value 10s. four neck handkerchiefs, value 2s. one pair of worſted ſtockings, value 6d. the property of Allen Robinſon.

MICHAEL DALLEY *ſworn.*

I am thirteen.

Do you know the nature of an oath?— My mother told me if I ſhould tell an untruth I ſhould go to the bad place.

And do you know that you are liable to be puniſhed by law, and be ſent to gaol?— Yes.——I was ſent out with a baſket of things on a Saturday night, a good while ago.

How long ago?——A good bit ago.

Was it three weeks or a month, or how long? —— I believe it was, my mother is a waſherwoman, I was going to carry ſome things to Mr. Carr, No. 33, Norfolk-ſtreet in the Strand, and ſome things belonging to his footman; I was ſent about half after ſix, I had knocked at the door, and ſomebody came and ſnatched the baſket out of my hand; my mother gave me a particular caution before I went out, and I held them very faſt all the way, but when they ſnatched it I was obliged to let it go; I do not know rightly the perſon, he was dreſſed in blue, I took hold of him, and held him, he had the baſket, ſo he fell down off the curb-ſtone, and I fell down too, ſo he got up again, and took hold of the baſket, and ran round the corner, and gave it to a man that ſtood there; they ran different ways, and I followed him that had the clothes, I cried ſtop thief, and a footman ſtopped him, ſo he threw down the baſket and ran away; I picked up the baſket and the clothes; he was not taken at that time, I took the clothes home to Norfolk-ſtreet, and by that time they had taken the man.

Do you know whether the men they took were the ſame men?——No, Sir, I did not ſee his face.

WILLIAM WOODWARD *ſworn.*

I heard the little boy cry ſtop thief, and I purſued the priſoner Tranter out of Norfolk-ſtreet; he had the baſket of linen before him, he ran down Howard-ſtreet; I ſtruck him, and he dropped the baſket, by his ſtopping I miſſed him; I turned round, I cried ſtop thief; he was never out of my ſight two yards all the time, I am ſure he was the man that ran with the baſket.

Where did you firſt ſee him?—In Norfolk-

folk-ſtreet; I ſaw him run from the gentleman's door with the baſket in his hand, I think it was near the gentleman's door, and the ſame man had the baſket all the time.

Did you ſee any other man?—No.

THOMAS WALLDEN *ſworn.*

I took the priſoner Tranter; I was in the Swan in Arundell-ſtreet with a few friends in the tap-room, I heard a great noiſe, and I ſaw the priſoner fall down under the gate-way, he jumped up again immediately, and ran towards an alley which goes into Eſſex-ſtreet, I ran after him and caught him round the waiſt, I ſaw him have nothing at all; I did not ſee Woodward, he came up in three minutes after; when I took the priſoner he might be about one hundred yards off.

JOHN ATKINS *ſworn.*

I apprehended Adamſon; I apprehended Williams firſt on ſuſpicion of this robbery, through the information, I believe, that Sears received, Williams was admitted an evidence as an accomplice, he acknowledged he was concerned in it himſelf at three different times.

Court to M. Dalley. Was the man in light coloured clothes in ſight of the door when the man ſnatched the baſket?—I ſhould think he could not, the firſt man that took the baſket got away.

JOHN WILLIAMS *ſworn.*

Do you know any thing of this priſoner Tranter?——No, I do not.

What do you come here for? —— I was taken up upon ſuſpicion of this robbery.

Who do you come to give evidence about? — Nobody; I was greatly terrified, the man that took me told me to make a confeſſion, and they told me if I did not I ſhould be hanged, and if I did I ſhould go to gaol for a few days, and be admitted as an evidence, and have good victuals and drink, and a bed, and a ſhilling each day, and part of a great reward; after I made this confeſſion they deſired me to ſign it, which I did.

Who was it told you this?——The man that took me, Sears I believe his name is.

Was Atkins preſent?——Not at the time this man told me this.

How came you to confeſs you had been a party in the robbery?——I did not confeſs any further than they told me to ſay, they told me that if I did not I ſhould be hanged, if I did I ſhould receive victuals and drink, a bed, and a ſhilling a day, and part of a great reward; Atkins told me that this Adamſon was taken, and if I did not ſwear to him I ſhould be hanged; the next time they aſked me if I had any money, and Atkins gave me eighteen-pence, and told me to ſtick to what I had ſaid; my friends told me to tell truth, and ſaid what a ſad thing it was to tell lies, this is the truth I tell now upon oath.

Court. You know you have taken an oath, you know the conſequence if you ſpeak falſly?——This is the truth, I poſitively ſwear it.

Court. Let Williams be remanded to Newgate, till this matter is further enquired into.

Atkins. My Lord, the other man that attended is here on purpoſe to explain this matter, we were not bound over.

Court. I ſhall deſire Mr. Hodgſon, the ſhort-hand writer, to make out a copy of this evidence, and give it to Mr. Shelton, that it may be ſent to Sir Sampſon Wright.

Court to M. Dalley. I think you ſay that Tranter was not the man that took the baſket from you?——No, it was another man.

And that the man that received the baſket was round the corner?——Yes.

Court to Jury. In ſtrictneſs of law in this caſe, I think both the priſoners ought to be acquitted on this indictment, without putting them on their defence, there is no evidence whatever againſt Adamſon, and Tranter appears to be the receiver; a man

man muſt be actually preſent, aiding and abetting to conſtitute him a principal.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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950. MARIA CRAWFORD was indicted for feloniouſly ſtealing on the 24th day of September laſt, one ſilver watch, value 20s. one chain, value 6d. one ſeal, value 6d. another ſeal, value 2d. a pair of jean breeches, value 2s. a pair of ſtockings, value 12d. a pair of ſhoes, value 12d. a pair of buckles, value 18d. and ſeven ſhillings in monies numbered, the property of William Thomas.

And STEPHEN GOULD was indicted for feloniouſly receiving, on the ſame day, the ſame watch, chain, and ſeals, knowing them to have been ſtolen.

WILLIAM THOMAS *ſworn.*

On the 24th of September in the morning; I awaked in my own lodging, and I miſſed my watch, which hung over my head, and my breeches, ſhoes and ſtockings and buckles were gone, and ſeven ſhillings.

What time did you go to bed?—About two.

Drunk or ſober?——In liquor; I cannot be ſure the priſoner is the woman that ſlept with me.

BOTH NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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951. JOHN DAVIS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Nicholas Bond, about the hour of one in the night, on the 15th of October, and burglariouſly ſtealing therein 40lb. weight of mutton, value 12s. his property.

The proſecutor not being able to ſwear to the mutton, and there being no evidence but the priſoner's own confeſſion, and which was obtained from him under promiſe of favour, he was

ACQUITTED.

Tried by the ſecond Middleſex Jury, before Mr. RECORDER.

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952. SARAH HARRIS was indicted for feloniouſly breaking and entering the dwelling houſe of Thomas Batley on the 7th of October, between the hours of ſix and ſeven in the forenoon, Prudence, the wife of the ſaid Thomas, then being therein, and feloniouſly ſtealing therein one man's hat, value 10s. one ſhirt, value 12d, two aprons, value 2s. o e pair of ſhoes, value 3s. two pair of ſtuff ſhoes, value 8s. one woman's bed-gown, value 6d. the property of the ſaid Thomas.

THOMAS BATLEY *ſworn.*

I went out between ſix and ſeven to my work, to my ſhop oppoſite, on the 7th of October, and I obſerved that the latch catched; in a few minutes after there was an alarm of this robbery, and my ſon ran after the priſoner, and brought her back with the things in her apron.

(The things depoſed to.)

THOMAS BATLEY, jun. *ſworn.*

The apprentice gave the alarm, and I purſued and took the priſoner about two hundred yards off, with the things in her apron.

—— WESTON *ſworn.*

I ſaw the priſoner open the door, and go in and come out again, I am ſure of her for ſhe had but one ſtocking on.

PRISONER's DEFENCE.

I was coming by that man's houſe, and a woman

a woman was ſtanding at the door, and ſhe aſked me to carry theſe things.

GUILTY.

Of ſtealing the things, but not of breaking the houſe.

Privately whipped, and confined twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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953. ANN TAYLOR was indicted for feloniouſly ſtealing on the 14th day of October, two cotton gowns, value 30s. a ſtuff petticoat, value 6s. one cotton petticoat, value 3s. five pair of cotton ſtockings, value 5s. five linen aprons, value 5s. four muſlin handkerchiefs, value 1s. one muſlin cap, value 1s. a black ſilk cloak, value 5s. a pair of woman's ſtuff ſhoes, value 2s. a pair of metal ſhoe buckles, value 1s. four muſlin handkerchiefs, value 2s. one linen ditto, value 6d. ſeven linen clouts, value 2s. two ſhifts, value 4s. one dimity bed-gown, value 2s. two yards of thread lace, value 6d. one linen night-cap, value 6d. the property of Lewis Cracknell, in the dwelling houſe of John Nightingale.

ELIZABETH CRACKNELL *ſworn.*

I am wife to Lewis Cracknell, I live in Broad-ſtreet, Groſvenor-place, my huſband is abroad, I am a lodger in the houſe of John Nightingale, on Friday laſt I loſt the things mentioned in the indictment, I miſſed them about half paſt ten, out of the three pair of ſtairs back garret, I went out about ſeven, and I came in about half paſt ten; the priſoner had ſlept with me from the Wedneſday night, when I came home ſhe was gone, and the key was in the door, I had part of my goods again at her lodgings, at Mr. Green's a cheeſemonger, in Henrietta-ſtreet, on Saturday morning; this was Friday; I found out where ſhe lodged by an acquaintance of her's; I found there, a black cloak, a ſtuff petticoat, and a cotton gown, a linen gown, nother cotton gown, four aprons, four pair of ſtockings, one bed-gown, ſeven clouts, one pair of ſhoes, one pair of buckles, four handkerchiefs, one nightcap, one cap not made up, four handkerchiefs, and one ſmall box.

Was any body with her in the room?—No; Mrs. Nightingale went with me:

(The things depoſed to.)

I loſt nothing more beſides what is in the indictment; I have not found the reſt of my things.

Mr. Garrow, priſoner's counſel. Be ſo good as to tell me what had paſſed between this young woman and you before ſhe produced the things?—She produced them to Mrs. Nightingale, I was not preſent.

Had you made her any promiſe that ſhe ſhould not be hurt?——No.

Did you make her any promiſe yourſelf?—No.

How long has your huſband been abroad?—Five months.

How long have you been married?—A year and half.

Where was you married?—At Acton.

RUTH NIGHTINGALE *ſworn.*

The proſecutrix lodges in my houſe, the priſoner came in about ſeven, and made an excuſe to comb her head, and we never ſaw any more of her till the next day, when we found the property on her; I gave her the key to let herſelf in about ſeven.

Mr. Garrow. What paſſed between you before ſhe produced theſe things?——Nothing at all.

Had you no converſation?—None in the leaſt, I went into the room and aſked her how ſhe came to take the property away, ſhe made me no anſwer; I ſaid, what have you done with the things, deliver them up, ſhe ſaid ſhe would.

Did you tell her it would be better for her?——I never did; I aſked her where the remainder of the things were, and ſhe ſaid ſhe did not know.

SAMUEL PACE *ſworn.*

I apprehended the priſoner, and ſaw theſe things

things in the room, as we went in the coach I aſked her where the reſt of the the things were, and ſhe gave me two duplicates of two ſmall parcels, one for a ſhilling and another for eighteen pence; there is a pair of ſtockings, a handkerchief, and two aprons, they are among theſe things.

Priſoner. I leave it to my councel.

Court. What way of life have you been in?—I have been brought up by an aunt.

How old are you?—Nineteen.

——— EXTON *ſworn.*

I live at Knightſbridge, I am a butcher, I have known the priſoner from a child, I take her to be eighteen or nineteen, I paid for her ſchooling at Uppingham in Rutlandſhire, about ſix or ſeven years, ſhe has been in London five or ſix years, I never heard any thing againſt the character of the child till this time, her aunt has kept her very genteel.

Mrs. TAYLOR *ſworn.*

This unfortunate young woman is my niece, I have ſupported her and paid for her ſchooling, ſhe has been in London to the beſt of my knowledge four years come March, ſhe has been in one ſervice, ſhe has been almoſt chiefly ſupported by me, ſhe has left that place above a year, I have had her to keep theſe ſeven months, ſhe has not left me above two months, I never had any complaints of her conduct as to honeſty.

Court. Do you know how ſhe happened to fall in with this Mrs. Cracknell?——I do not know.

Had ſhe got into any bad connections?—I am not clear as to that.

The priſoner called two more witneſſes to her character.

GUILTY, 39*s.*

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

954. JAMES SCOTT, THOMAS PICKERING, and SUSANNAH JOHNSON were indicted for feloniouſly coining a farthing, againſt the ſtatute, October 7th.

(*The caſe opened by Mr. Silveſter.*)

WILLIAM BOWYER *ſworn.*

On the 7th inſtant, between five and ſix in the afternoon, I went on an information to Widegate-alley, Biſhopſgate-ſtreet, to Scott's houſe, I went in at a window from a back-yard, and then down ſtairs into a back kitchen, and there I found a door faſt that went into a front kitchen, Morant who was with me, knocked at the door, they aſked who was there, he ſaid, a friend; I opened the door, and the three priſoners were cloſe to the preſs, the two men were without coats or hats, the woman without a bonnet or cloak, but in her uſual dreſs, there were a large quantity of blanks on one ſide the preſs, with a die ſet, and ſeveral farthings on the other ſide; theſe I took from under the preſs; the men were dirty, the woman had on a white apron, I heard Clarke ſay when he looked at her hands, I am very ſorry for you.

Mr. Garrow, priſoner's councel. There was ſome brandy?——Yes.

Had you any of the brandy?—No; the woman ſaid ſhe came to give them ſome brandy.

SAMUEL MAYNARD *ſworn.*

On the 7th of October, I went to this houſe with Mr. Clark and ſome other officers; Bowyer and Morant and me went down through Scott's houſe, through the ſhop into his kitchen; Morant knocked at the door, they aſked who was there, he ſaid, a friend, Bowyer laid hold of the door and ſtrove to wrench it open, I ſtood exactly in the middle of the door, and as it ſplit down I ſaw the woman (Mrs. Johnſon ſhe called herſelf,) get up by the preſs, the men were on each ſide of the preſs; ſhe then ſtooped right before Pickering, I laid hold of him, there were a great many blanks ſtruck on one ſide and the other.

Mr. Garrow. Did you drink any of the brandy?—Morant had a little, and I had a drop.

It was very good I hope?—There was a bottle of brandy there, and there it was left.

Where was this?——In London.

Where did you carry the priſoners to?—To Bow-ſtreet.

So you gave Guildhall and the Manſion-houſe the go-by?——I went according to orders.

JOHN CLARKE *ſworn.*

I went to Widegate-alley, on an information which was given to Bow-ſtreet, that there was coining in a houſe adjoining to the priſoner Scott's, and that the way of going into that houſe, was through the ſhop, through the kitchen, and to throw up the window, and go into the adjoining cellar at the yard door, and we ſhould find the people at work; being lame I was not ſo nimble as I formerly have been, and the other officers went in firſt, I left the priſoner in cuſtody, and went and ſearched, I ſaw the three priſoners, the two men were without clothes, the woman without a cloak or bonnet; there were dies fixed in the preſs, and a quantity of blanks: I was then curious to look at the woman, and I ſaid then, and I ſay now, I was ſorry to ſee any woman in that ſituation, I examined the woman, and I have not a doubt——

Mr. Garrow. I muſt ſtop you, you are the laſt man I ſhould ſtop; but I ſhould object the ſame if my Lord Mayor was a witneſs?——I have not a doubt, Sir, but you would object to my Lord Mayor: I am ſure the woman had been handling of copper.

Did you examine her hands?——I did indeed, and I repeated the words to her, good woman, I am ſorry for you!

Were her hands dirty?—They were.

Court. Were her hands black as if ſhe had been handling copper?——There is no doubt, it is certainly a fact, there was a mark where the blanks and things had been handled.

Deſcribe in what manner this buſineſs is done?——There were three people in the cellar, they were locked up, when thoſe ſprings are in, and the preſs runs up to the ſcrew, it comes to its purchaſe, and theſe ſprings raiſe it up again, therefore it muſt require more ſtrength than if they were in the preſs; here are the two dies that were fixed in the preſs at the time, and a quantity of blanks: there is a hole ſunk in the earth, in order that the preſs might not come over their head, therefore they are covered in the earth, that the fly of the preſs might have more effect.

How many people are employed at this buſineſs of coining?——The only practice that has been proved in this Court, is three, one each end of the fly, and another to feed the preſs.

Mr. Garrow, Priſoner Johnſon's Council. Do you know anything of the practice of coiners in making farthings, but by hearſay?——I do not.

Then you do not mean to ſwear that farthings are not ſometimes made by coiners without the aſſiſtance of a third perſon?—It is impoſſible for me to ſwear that.

How were the woman's hands, dirty?—Her left hand was dirty in the palm, and all the way up.

Do you remember her ſhewing her hands to the Magiſtrate, and ſaying they were clean?—I do.

And ſhe ſaid that, therefore, ſhe could not be employed in coining?—She did.

Then did you ſay to her, your hands were dirty, but you have wiped them on your apron?—No, I did not.

Had ſhe any opportunity of waſhing her hands?—No.

Priſoners Pickering and Scott. My Lord, we are both guilty, we would not wiſh to give the Court any trouble, but the woman is innocent.

The priſoner Suſannah Johnſon called one witneſs to her character.

JAMES SCOTT, THOMAS PICKERING, } GUILTY.

SUSANNAH JOHNSON, NOT GUILTY.

The

The two priſoners, Scott and Pickering, having been once before convicted for a ſimilar offence, and had the benefit of the clergy, the Counſel for the proſecution prayed that judgment of Death might be paſſed upon them purſuant to the ſtatute.

(The record of the former conviction of James Scott, read by the Clerk of the Arraigns.)

Court to Scott. You hear this plea, on the part of the Crown, which ſtates, that you have before been convicted of felony, and prayed the benefit of the ſtatute, which has been allowed to you; the law is, that no perſon can twice claim that benefit; therefore, it avers that you are the ſame perſon to whom the benefit of clergy was allowed on a former occaſion; you have a right to deny that fact.

Mr. Garrow. I recommend it to you to deny that there is any ſuch record, and that if there is, you are not the perſon.

Priſoner Scott. I eny thoſe facts, I am not the man.

Court to Priſoner. When the Jury are called over, you have a right to object to any of them, if you will.

The Jury called over, and not being objected to, they were ſworn as follows.

" You ſhall well and truly try the iſſue " joined between our Lord the King, and " the priſoner; whether the priſoner at the " bar, James Scott, was convicted of felony " at the Old Bailey, on Wedneſday the " 16th of October, in the twenty-ſecond " year of his preſent Majeſty's reign, and " whether he is the ſame perſon that was " tried and convicted, and received the " benefit of his clergy."

Mr. Garrow examined the counter plea, and obſerved a variance, the record of conviction ſaying, the priſoner was tried before *Sir George Nares, Knt.* and the counter plea ſtating only *Sir George Nares*, and it went on to ſtate that he was tried upon an indictment, for that one William Voteer, late of the liberty, &c. without giving the Court that tried that Voteer, any juriſdiction to make that enquiry.

Mr. Garrow. My Lord, the plea varies from the record, but that is not all, it does not ſtate by force and arms, there is a difference in the eſſential part of the record; the conviction ſet out in this plea, may be a conviction had at York.

Mr. Silveſter. The counter plea does not profeſs to ſtate the indictment.

Mr. Garrow. It ſays upon an indictment *for that, &c.*

Mr. Silveſter. The counter plea has nothing to do with the juriſdiction in this record, it does not profeſs to ſet forth the whole record of this man's conviction, but ſtates the fact, that the priſoner has had his clergy once.

The Court reſerved the objection.

JOHN TOWNSEND *ſworn.*

Do you know Scott?—Yes, perfectly well.

Was you preſent in Court here when he was tried?—I was, it was in January Seſſions, 1782, I put him to the bar myſelf, he was tried with Iſaac Voteer and Dean.

Is that the ſame man?——Yes.

Mr. Garrow. Do you know whether he was acquitted?—I heard the Court paſs ſentence immediately, of a fine of one ſhilling, and twelve months impriſonment; the Court paſſed ſentence immediately, on account of the lameneſs of Iſaac Voteer.

Court to Jury. This is a novel proſecution, the general law of the kingdom moſt undoubtedly is that what is called the benefit of clergy, ſhall not be allowed to any man twice: in all caſes of felony, excepting where it is expreſsly taken away by act of parliament, by the common law of the kingdom the benefit of clergy was allowed; the reaſon and origin of which began in times very different from the preſent, and when the church enjoyed very peculiar privileges as diſtinguiſhed from the laity; the privilege in queſtion, was in fact *the benefit of clergy*, for it was a privilege peculiar to thoſe in holy orders; diſtinguiſhed from others, that

though

though the punishment of the law was death to men in general, yet they had the privilege of not suffering death, in those cases where another man would: in process of time the humanity of the government, and the liberal principles of the law, extended that privilege, by fiction and implication, to all those who could read, for that was considered as a sort of test, and the question whether the culprit was a clerk or not was extended to the enquiry, whether he could read or no; so much of the original of it was retained down to the very modern period; but women were not entitled to this very valuable privilege, for it could not be presumed that they could be clerks in holy orders, and therefore women were allowed to be executed: but by acts of parliament in more modern times, the benefit of clergy, which is and ought to be, if allowed at all, allowed without distinction, and without any reference to the cause of it, was allowed to all persons who committed simple felonies, and taken away from particular offences; and the law holds it shall not be taken away by any act of parliament, even where the law says he shall suffer death, unless the words are added without benefit of clergy; so that, as the law now stands, every man found guilty of any crime from which the benefit of clergy is not taken away, shall, upon praying it have it: but the law says, that though this indulgence shall be once allowed to a man that commits a lesser felony, he shall not be repeatedly intitled to it, and that he shall not be entitled to it a second time: the prisoner Scott has been convicted by your former verdict of an offence for which he is intitled of right to demand the benefit of his clergy, and he has so demanded it by praying the benefit of the statute, to which, say they, on the part of the crown, he is in a situation that does not entitle him to that privilege, for he has received that benefit once, therefore we object to its being allowed to him another time; and they have put into court a plea, which states, that he was tried for felony, and convicted, and prayed the benefit of the statute, which was allowed him, and they say that the said James Scott now at the bar, whom you have convicted, is the same, and by conclusion of law cannot be entitled to it again: James Scott denies that, he denies all the facts in the plea, he says further, if there was any such conviction, he is not the same person: the record is now produced and read of the conviction of a James Scott, upon which some questions of law arise, about which it is unnecessary to trouble you, because your verdict will not affect those questions one way or the other: Townsend swears the prisoner is the same James Scott, you are therefore to decide whether the evidence of this witness is sufficient to satisfy you that the James Scott at the bar, is the same man that was before tried, which is the only question for you to decide; if you find that he is the same man, and if the proceedings are sufficient against him, he will receive judgment of death; if you have any doubt he is not the same man, you will say so, and in that case he will receive a sentence, such as the offence may deserve upon the indictment, on which he was before convicted.

Mr. Shelton, Clerk of the Arraigns. Gentlemen of the Jury, do you find for the Crown or the prisoner?

Jury. For the Crown.

Mr. Garrow. If your Lordship pleases, that the sentence may be respited.

Court. Certainly.

GUILTY, Death.

Sentence respited.

The Remainder of this Trial in the next Part, which will be published in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of J. Scott and T. Pickering.

Mr. Shelton to Thomas Pickering. Hold up your hand, you ſtand convicted of felony, what have you to ſay for yourſelf why this Court ſhould not give you judgment to die according to law.

The counter plea read and examined with the record by Mr. Garrow.

Mr. Garrow. My Lord, I ſubmit that after this is filed, and read to the priſoner, the Court will not ſuffer the Crown to correct it.

Court to Priſoner Pickering. Do you deny the truth of this counter plea or admit it?——I deny it.

The Sheriff returned the ſame Jury.

(The Jury ſworn.)

——— FRYER *ſworn.*

(Produced a copy of the Record.)

This is a true copy.

Mr. Garrow. My Lord, here is an objection in this caſe, which ſeems to me to be fatal, it is ſaid that it was preſented in manner and form following, it is eſſential to that, that it ſhould be after the *twentieth day.*

Mr. Silveſter. The whole of it is ſurpluſage.

Court. Gentlemen of the Jury, in this caſe you will not be troubled with the trial of the iſſue, for the plea put in is clearly wrong in point of law; therefore I am to direct you to find the verdict for the priſoner.

Verdict for the priſoner.

Court to Priſoner. You have had the good fortune to eſcape the danger under which your companion ſtill labours, by a mere miſtake in point of law, which I am bound to allow you, but with an admonition, that you will avoid the danger in future, which you have ſubjected yourſelf to, and which it might have been expected you would have avoided after your firſt conviction; but unhappily for you it has proved otherwiſe, and you have brought yourſelf into a ſituation by which you would have forfeited your life, and that with great juſtice; but under the circumſtances that have occurred,

your

your ſentence is to be fined 1s. and impriſoned twelve months in Newgate.

Tried by the firſt London Jury before Mr. RECORDER.

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955. WILLIAM WOODWARD and WILLIAM HARDING were indicted for feloniouſly ſtealing, on the 8th day of September laſt, one box, value 6d. one ſilk gown, value 3l. a printed cotton gown, value 20s. a petticoat, value 20s. a muſlin apron, value 0s. four handkerchiefs, value 15s. one ſilk handkerchief, value 5s. one guinea, value 1l. 1s. and one ſhilling, the property of Jane Morris, ſpinſter, in the dwelling houſe of Sarah Lunn.

The witneſſes examined apart at the requeſt of Mr. Peatt, priſoners Counſel.

JANE MORRIS *ſworn.*

I loſt a box of clothes on the 8th of September, at No. 59, in Jewin-ſtreet; I lodged there, it was in the parlour; I was out, I returned between eight and nine, the box was gone; I left the perſon I lodge with, Sarah London, at home; my room door was not locked.

Mr. Peatt. What is your landlady's name?——Sarah London.

Mr. Peatt. My Lord, I beg leave to obſerve it is Lunn in the indictment.

Court. That objection goes to the capital part of the indictment beyond all doubt.

Proſecutrix. I found one gown at Mr. Berry's in Alderſgate-ſtreet; I never found the box; and at Mr. Cordy's, I found two yards of ſilk belonging to the gown; I took up the woman that pawned theſe things; the priſoner Harding was taken up that night, and the other the next day.

JOHN CORDY BAXTER *ſworn.*

Produced a ſilk gown pledged for 18s. in the name of Mary Harding, on the 9th of September, in the forenoon.

Proſecutrix. I know the ſilk, I am ſure of *it*, becauſe of the colour, and there are juſt two yards of it.

PHILIP CROCKFORD *ſworn.*

Produced a chintz gown, pledged in the name of Mary Richardſon.

RUTH RICHARDSON *ſworn.*

I live with the priſoner Harding, I pledged this gown at Mr. Berry's; I received it of the priſoners in my own room, they came in together, I ſaw nothing elſe brought, there were two gowns, a piece of ſilk, and an apron; I pledged the apron at Mr. Cordy's, and the ſilk gown and the piece of ſilk; I returned the money to Woodward; I aſked where they got them, they bid me aſk no queſtions; I pledged them becauſe I knew Harding would beat me if I refuſed to pledge them.

GEORGE PRETTY *ſworn.*

Produced a gown pledged by Ruth Richardſon.

(Depoſed to.)

Priſoner Woodward. I leave my defence to my counſel.

PRISONER HARDING'S DEFENCE.

I know nothing of the things, they were delivered to me by a friend, and I came to aſk that young woman to pledge them.

The priſoner Woodward called three witneſſes to his character.

The priſoner Harding called three witneſſes to his character.

BOTH GUILTY

Of ſtealing. *Fined* 1s.

Tried by the firſt London Jury before Mr. RECORDER.

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956. The ſaid GEORGE WOODWARD and WILLIAM HARDING were

were again indicted for feloniously ſtealing, on the 10th of September, four pair of woman's ſtuff ſhoes, value 10s. two pair of leather ſhoes, value 7s. 6d. the property of Jarvis Adams.

BOTH NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

0576. JOHN BREWER and JOHN BURMAN were indicted for feloniouſly ſtealing, on the 22d day of September laſt, eight buſhels of malt, value 30s. the property of William Clarke.

WILLIAM CLARKE *ſworn.*

I am a ſeafaring man, I have loſt ſome malt out of the Endeavour ſloop, of which I was maſter, ſhe laid at Lady Parſons's ſtairs, Wapping, on the 22d of September; I was on ſhore about half after ſeven at night, and at about eight I went to bed, and after I was in bed about half an hour, I thought I heard ſome noiſe upon deck, I immediately came up and looked forward, and ſaw two of my own lads with one man and two watermen, in a boat along-ſide, robbing the veſſel; they had been letting down three ſacks of malt in this boat, I ſaw them let down one ſack, what was in the ſack I cannot ſwear to; I heard one of my men, which is the priſoner Burman, ſay to another, go into the boat and receive the ſack, for fear he ſhould row away and not pay us; then the man at the bar and another waterman had the boat-hook faſtened on to my ſhroud; I wrung it out of his hand and I ſtruck it in between his ſhoulders, and I held him faſt ſome time; then the man I had ſtruck took up a ſcull and ſtruck at me which made me looſe my hold, I had nothing but my ſhirt on, and he got away by main ſtrength; the two watermen, one of which is the priſoner Brewer, ran away with the corn in the boat; I took my own ſervants on ſhore, and the young one told me who had the corn; I took my own man Burman, and another on his evidence: I know the man at the bar, I am ſure he was the other waterman; they had three ſacks when they rowed away: I found two ſacks of malt, and ſome more in a baſket, at a baker's in the Borough; he ſaid he bought it, I aſked him of whom; I told him I ſhould take both him and the malt, for it was mine; there was no mark on the ſacks, but I loſt a quantity of malt; found Brewer, and aſked him what he had done with the malt he robbed me of the night before; he ſaid he had ſold it to a baker.

WILLIAM WHITEWAY *ſworn.*

I took the priſoner Brewer, I went to a baker's, in the cellar, there we ſaw ſome malt, which the baker ſaid he had bought of the priſoner Brewer; I took the priſoner juſt before, and brought him to the baker's, and he confeſſed there he had ſold it to this baker; he ſaid he had bought it of the lads, he would not acknowledge to the ſtealing of it.

JONATHAN WARREN *ſworn.*

I belong to the ſloop, ſo did the priſoner Burman; I was concerned in handing this malt over into this boat; it was a waterman's boat, I do not know the waterman, Burman had been perſuading this lad to get it; I handed over eight buſhels and a half, which was the three ſacks; the priſoner Burman was in the boat, the priſoner Brewer was the purlman; my maſter caught us handing over the third ſack; I am certain ſure this is the man, he has been on board us before.

Why did you let this bad man perſuade you to rob your maſter, is not this the high road to the gallows?——This lad ſaid, if I would be ruled by him, I ſhould always have a ſhilling in my pocket.

If you are ruled by him, you will come to be hanged: how old are you?——Fourteen.

Proſecutor. Burman is about twenty-two, he has been a very bad lad.

PRI-

PRISONER BREWER's DEFENCE.

The accomplice called me, and I thought he wanted purl, and he told me he wanted to ſpeak to me; ſomebody happened to come out of the cabin, and he ſays call by and by, ſo I ſhoved off; he came there after dinner, and took this opportunity and called me along-ſide again, he ſaid there will be a couple of ſacks for you if you come along-ſide at eight; ſays I, what muſt I give you? ſays he, eight ſhillings a ſack; it was agreed on; he ſays mind and do not diſappoint me; there were eight buſhels and a half, ſo I hired a waterman that came up from Deptford, and he would not go for leſs than five ſhillings; after I came along-ſide, the boy was upon deck, he ſaid, come put the boat under the bows, you ſhall have it directly, he jumped in the boat, and I gave him eleven ſhillings that night, I was to give him five ſhillings more the next morning; I am from Dantzic; ſo the maſter came upon deck, and he could not ſee how many ſacks there were, for I put my great coat over them; the maſter came and held the boat with the boat-hook; I rowed away with the grain, and landed and got it carried to——

Court. Are you aware that you are confeſſing that you ſtole this malt?——No, I never was on board the ſhip.

Do you think that that ſubterfuge will be of any uſe to you; you go and deal with boys, do you think you are not a thief?—I never was on board a ſhip.

You may be a thief and never be on board, ſo the Jury will preſently tell you.

PRISONER BURMAN's DEFENCE.

I never got the corn, it was the evidence.

The priſoner Brewer called two witneſſes to his character.

BOTH GUILTY.

Each tranſported for ſeven years.

Court to Proſecutor. What have you done with the man that bought the malt?——He was committed to Newgate, and Mr. Clarke was bound over to proſecute.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

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958. SUSANNAH MARTIN was indicted for feloniouſly ſtealing, on the 24th of September laſt, three cotton valens of a bed, value 2s. two curtains, value 7s. a pair of linen ſheets, value 12s. a blanket, value 3s. a tea-kettle, value 2s. a candleſtick, value 1s. a looking-glaſs, value 3s. one pair of tongs, value 6d. two flat irons, value 1s. 6d. the property of Thomas Godfrey, being in a certain lodging room let by him to the ſaid Suſannah, and to be uſed by her with the ſaid lodging, againſt the ſtatute.

JANE GODFREY *ſworn.*

I am wife to the proſecutor, the priſoner lodged a week at our houſe, I miſſed nothing till ſhe was gone away, then I miſſed the things in the indictment; theſe things were in her lodgings when I delivered the key to her; ſhe went away and took the key; I found part of the things at the pawnbroker's.

JOHN MASON *ſworn.*

Here is a pair of ſheets, a tea-kettle, a candleſtick, and looking-glaſs, pawned by a woman that frequently came with the priſoner, for the priſoner, I knew her for five months.

(The ſheets depoſed to.)

—— TAMSTONE *ſworn.*

I am a broker, I had theſe things of the priſoner, I knew her, I bought things of her which I knew to be her own ſome years back; here are two curtains, and the valens.

Priſoner. The proſecutrix promiſed upon the word of a woman to take out the things for me, and I was to pay her a ſhilling a week; I only left the curtains and valens with the broker for a little money; I did

I did not ſell them, he promiſed to return me the curtains if I would let him have connections with me for the ſeven ſhillings; I ſaid no, I would not, he ſwore an oath, and ſaid, I had better think of it; I ſaid you have a wife and family.

Thompſon. I was out in the morning when theſe curtains were brought to my houſe, I came to my door, the priſoner was in my ſhop, and another with her, there was a neighbour's daughter at the door who heard every word, and would have bought them if I had not; I did not know the priſoner at firſt; I agreed to give her 7s. for the curtains and valens; however, when ſhe went out one of the neighbours obſerved ſomething, ſhe ſaid, and the two women whiſpered together, I heard nothing, I was going to a ſale, I went to the ſtable-yard, and ſtood at the door of an old acquaintance, and ſaw the two women come together; my wife ſaid, this woman uſe to come part our door ſometime ago in a miſerable condition.

Is the account ſhe gives true or not? — It is not true, not a word of it.

GUILTY.

Privately whipped, and impriſoned twelve months in the houſe of correction.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

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959. ELIZABETH WEST and MARY CONOLLY were indicted for feloniouſly ſtealing, on the 13th day of October, one ſtuff ſhoe, value 6d. and one ſilver ſhoe-buckle, value 8s. the property of Sophia Stokes, ſpinſter.

SOPHIA STOKES *ſworn.*

I work at my needle; I loſt my ſhoe and buckle, I got my ſhoe again, but not my buckle; it was brought me by a watchman, who is not here, I was at the Waterman's Arms, drinking with a friend in Wapping-ſtreet, between eight and nine, I cannot poſitively ſay, that this woman took my ſhoe and buckle; I was ſitting on the bench, I ſlipt my ſhoe down at heel, and theſe two women were juſt by, and I immediately miſſed my ſhoe and buckle, a ſeafaring man ſaid he ſaw them take it, but he is not here.

JOHN HARRIS *ſworn.*

Laſt Friday was a week I bought a buckle of the priſoner Conolly; I am a watch-maker and ſilverſmith, I am ſure it was the priſoner, I did not know her before.

What buckle is it? — A ſilver buckle; on the Thurſday night, I bought it on the 13th.

Court to Harris. What time did you buy it? — About ſeven.

Recollect the time as well as you can? — It was ſome where about ſeven o'clock.

Stokes. I miſſed my buckle between ſeven and eight, I miſſed it inſtantly.

What was you drinking? — Part of a pot of ale.

Harris. The priſoner Conolly came to me to know if I could make a fellow to that buckle by Saturday night, I told her it was impoſſible; I live a quarter of a mile off; I told her it would come to thirteen ſhillings; the priſoners wer both in company, I would not buy it the firſt time they came, and they came again, and a young man with them, and ſaid, I had no occaſion to fear, for he gave them the buckle.

(The buckle produced, and the fellow of it by the proſecutrix.)

PRISONER CONOLLY'S DEFENCE.

I was coming out of the houſe, and I kicked the buckle and ſhoe before me, and this young woman followed me, and we went and ſold it about half an hour after, I aſked twice whoſe buckle it was, and nobody owned it, ſo then I went out of the houſe.

BOTH NOT GUILTY.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

960. THO-

960. THOMAS KING and WILLIAM JACKSON were indicted for feloniously ſtealing on the 9th day of October, ſix live geeſe, value 30s. two live ducks, value 2s. the property of William Saffield.

WILLIAM SAFFIELD *ſworn.*

I live at Hillingdon, I loſt ſix geeſe and two ducks, the geeſe and ducks were all killed, I ſaid how they were marked before ever I ſaw them, I ſaw them at Mr. Whitehead's houſe.

JAMES WHITEHEAD *ſworn.*

I live at Acton, I am a publican; on Monday morning the 10th of October, I ſaw the two priſoners paſſing the road for London, King had a little ſmall baſket, and Jackſon had a large bag on his back with ſix geeſe and two ducks in it, they were dead, I made the priſoner put down the bags and there were the geeſe and the ducks, we took the priſoner Jackſon and the things, King threw down his baſket and ran off, and I ſent a young man and a horſe after him, and I ſent another man or two on foot, and he was taken at Turnham-green, the proſecutor ſaw them and ſwore to them, he ſpoke of the marks before he ſaw them; he had ſome quinces in the baſket.

PRISONER KING.

I had been at Becclesfield and the other priſoner, and we found the bag with the geeſe and ducks.

BOTH GUILTY.

Tranſported for ſeven years.

Tried by the firſt Middleſex Jury before Mr. Juſtice NARES.

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961. JOHN WOOD was indicted for feloniouſly ſtealing on the 20th day of September, one ſow pig, price 28s. the property of John Thornton.

JOHN THORNTON *ſworn.*

I loſt a ſow pig on the 20th of September laſt, I ſaw it the ſame day about eleven before my door, on the outſide with another, I did not miſs it till night, I found the pig in Wingfield-ſtreet at the priſoner's, in the houſe on the further end, on the ſide of the bed, it was alive; I deſcribed it as a white ſow, I aſked him if he had ſuch a one, he ſaid he loſt one but it was a black and white one, and had found it again, I aſked him to let me look at that pig which he had, he ſaid he would give me his word that was not the pig, I aſked him to let me look at it, it was penned up in a little cloſe place, he opened the door about half way, he ſaid, you ſee the pig is not yours, immediately my white ſow ruſhed out from behind the black and white one; it was a place parted off with ſome kind of laths, I did not take particular notice, it was cloſed off from the reſt of the room, I called him a d——nd raſcal, he then ſaid it was a woman's ſow, and ſoon after that, he ſaid it was his own, he ſaid he bought it of a man in a green coat, I ſaid it was mine, and to convince him ſhe would run home to my houſe, he ſaid that was no proof, for a ſtrange ſow would run into any body's houſe, there was a mark in the ſide as if it was intended for Smithfield, he lived from me above half a mile, or three quarters; he deſired me to let it reſt a few days while he got the dealer he bought it of, I immediately went to the Rotation-office in Whitechapel, and brought back an officer to his houſe, I then offered to let it looſe, and he ſaid I ſhould have it without that, on Monday he brought ſeveral people out of Petticoat-lane to ſwear to the ſow, that they ſold it him, ſtrangers that I never ſaw in my life, I let them all look at it, and none of them would have any thing at all to do with it, but left him; I am perfectly convinced it is my ſow, I have no mark, but I know it by the ring, I knew it immediately as I ſaw it, the ſow is now at my houſe.

By what marks do you know it?—It is all over white, except a little black over the eye, I cut the ſtring looſe, it was home five minutes

minutes before me, I am ſure the priſoner ſaid he had but one pig at home, and that was black and white.

WILLIAM WASTE *ſworn.*

I live at Mr. Grant's in Whitechapel-road,——

(The other two witneſſes deſired to go out by the Court.)

Waſte. I was in my maſter's ſhop, and I ſaw the priſoner driving this ſow along between eleven and twelve in the forenoon, on the 20th of September, it was about a dozen doors from the proſecutor's houſe, I heard my maſter aſk him what he was going to do with the ſow, he ſaid he was going to catch it and take it home, a woman ſaid I will give any man a pot of beer that will catch it, my maſter ſaid he could catch it in five minutes, but he ſaid it was not his.

Did your maſter know it?—I do not know that he did.

JOHN BUD *ſworn.*

I know this ſow, he had had it three months, I ſaw it after it was loſt, it was the ſame ſow, I live next door to the proſecutor, I ſaw it every day.

——— ANDREWS *ſworn.*

I apprehended the priſoner, I knew him, the ſtye was a place made up by the ſide of the room, I did not know that he kept pigs, he ſaid, he bought the pig at Smithfield, on the Friday before, this was Friday the 23d; on Monday the priſoner appeared, and brought a young man that he bought it off, and that man gave ſuch a ſlight account of the matter, that he was detained till ſix in the evening, and in going over the way the young man ſaid, he would fetch his father, when the evening came no body came to ſpeak for him, neither father or ſon, upon that he was committed.

Did the man ſay he ſold Wood the pig?——He ſaid he did.

PRISONER's DEFENCE.

I have the man that ſold the pig to me.

Court. Let the priſoner's witneſſes be examined ſeparately.

JOSEPH INGRAM *ſworn.*

I live in Old-ſtreet-road.

What are you?——A dealer in hogs.

Did you ever ſell a pig to this man?——Never in my life, I ſold his wife a pig, it may be a month or five weeks ago from this time, I know his wife by ſight, I ſell ſome thouſands in a year.

Did you ever ſee that pig ſince?——Never.

You was not ſhewn this pig of the proſecutor's?——No.

What ſort of pig was it?——I really forget, it was eighteen ſhillings, or eighteen ſhillings and ſixpence, I believe it was a white one, as near as I can gueſs.

Was it black and white?——I cannot certainly ſay, but I believe it was a white one, there might be ſome black ſpots.

Where did you ſell it to her?——In Smithfield market; I was ſubpœned this day by an old woman.

ELIZABETH MUNDAY *ſworn.*

I live in Three-tun-alley.

What are you?——I deal in the ſtreets, fiſh or any thing for an honeſt living; I ſaw the pig that John Wood bought on Friday the 16th of September; he loſt it, I went with his wife to look for it, we could not find it, when we came home the old ſow had come home before the new one; I was not with him when he found it, I ſaw him afterwards bringing it down the alley, between eleven and twelve, I live cloſe by him.

Who deſired you to come here as a witneſs?——The priſoner, I have been ſeveral days.

When did he deſire you to come?——I cannot particularly ſay the day.

Where did you ſee him when he deſired you to ſay ſo?—I had been to ſee him in the priſon, I went along with his wife, as we were neighbours together.

THOMAS COLLING *ſworn.*

I live in Dorſet-ſtreet, I am a butcher

I bought a pig and gave eighteen ſhillings and ſixpence for it, I cannot juſtly ſay the day, it was on a Friday, it was loſt on a Saturday, I bought it at Smithfield, it was a white pig, as they informed me, I never ſaw the pig.

Court. What is the priſoner?——He ſells things in the ſtreet.

Priſoner. I have a gentleman to give me a character, but his wife lays in, and he cannot leave her.

GUILTY.

Court. Under the particular circumſtances that attend your caſe, the ſentence of the law is, that you be fined one ſhilling and diſcharged.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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962. ROBERT ROBERTS and GEORGE RANKIN were indicted for feloniouſly ſtealing, on the 18th day of October, one hundred pounds weight of butter, value 3l. the property of Thomas Wilcox, and Robert Wilcox.

THOMAS WILCOX *ſworn.*

Who is your partner?—Robert Wilcox, I only ſpeak as to the property.

GABRIEL JOHNSON *ſworn.*

Laſt Tueſday evening, I ſaw the two priſoners, I ſaw Rankin with a caſk of butter on his ſhoulder, in Newgate-ſtreet, going from Cheapſide; Rankin had the butter, I turned round and followed them; Rankin pitched it down by the Horſe-ſhoe paſſage, Roberts helped him down with it, Rankin ſat upon it, and wrapped his coat round it, the other went away towards Cheapſide; I went over to Mr. Clement's, and Mr. Holmes came with me, I aſked Rankin to get up that I might look at the marks, Rankin ſaid he did not know what it was, he was left in charge; and as I was ſtanding, Rankin ſtruck me over the the head, and ran off, I called out ſtop thief! Mr. Holmes ran after him, and he was ſtopped and brought back, I am ſure he is the ſame man, the other was gone; a coach came to the Horſe-ſhoe paſſage to take up the butter, and the coachman aſked what he was to take up, Roberts afterwards d——d his eyes, and ſaid if ever he got clear of this, he would do for me.

——— HOLMES *ſworn.*

I found the priſoner Rankin at the end of the Horſe-ſhoe-paſſage, waiting while Roberts was gone for a coach; and I followed him and ſaw him ſtopped in St. Paul's Church-yard, I am poſitive to the man.

What became of the butter?——It was left in Newgate-ſtreet till the next day, he never was quite out out of my ſight, he was then taken to Guildhall, I obſerved the marks.

(The caſk produced and depoſed to.)

Court to Wilcox. Do you know the caſk?——I do, it is marked T. R. No. 155, it was ſent by our carman between two and three o'clock on Tueſday.

JOHN EVANS *ſworn.*

I am the carman, I was bringing two caſks of butter from Marybone, from a gentleman who did not approve of it, I was bringing it back to Mr. Wilcox, I loſt it between St. Paul's chain, and Watling-ſtreet, I firſt miſſed it in Watling-ſtreet, near the corner of Friday-ſtreet.

THOMAS WARREN *ſworn.*

I heard the cry of ſtop thief! I went to St. Paul's Church-yard, and there I took charge of the priſoner Rankin, the proſecutor ſaid he ſhould know the other man if he ſaw him.

PRISONER RANKIN's DEFENCE.

I was coming down Newgate-ſtreet, and I met a potter who aſked me to help him down with his load, I am not able to ſtand under ſuch a load myſelf, he ſaid he would call a coach, and I ſat down upon the caſk by his deſire, that was my defence before.

PRISONER ROBERTS's DEFENCE.

I know nothing about it, on the day that this happened I was at a public house waiting for a young man that was bringing me home a pair of shoes, I never was out of his company till between eleven and twelve that night.

JOHN WEST *sworn.*

I live in Water-lane, Black-friars, I am a shoe-maker, the prisoner gave me a pair of shoes to mend last Saturday, I was to have brought them home on Monday night, but did not; I took them to the Crown, at Smithfield-bars, on Tuesday afternoon, rather before five; the prisoner Roberts was there, and we staid there till eleven, I never parted company, I was with him all the time, I never was out of his company.

Who else was in company besides the prisoner and you?—One William Marsh.

Did he come with you, or was he with the prisoner?—He went with me to carry home the shoes.

Did you find the prisoner Roberts there or did he come in after you?——He was there when I went in.

How came you to stay so long?——I do not know, I was in company, I went home at eleven my usual hour, there might be five or six in company with the prisoner.

Men or women?—No women at all, all men.

Did you sup there?——Yes.

What had you for supper?—I had a slice of bread and cheese.

What had the prisoner for supper?——I do not recollect.

What had Marsh?—I do not recollect there was anything else but bread and cheese for supper.

What had you to drink, beer or spirits?—Beer, I do not recollect I had anything but beer.

Was there any spirits called for by the company?—Not to my knowledge.

Who went away first?—We all went away together, I saw no more of them.

Was the landlord at home?—He was not at home all the time.

How do you know he was not at home?——Because he was in a different place, he was in Newgate, if I must speak plain.

What was he there for?——That I do not know, I did not understand that he was there till that night I went there.

What is the landlord's name?—James Beaman.

WILLIAM MARSH *sworn.*

What are you?——I am a smith.

Where do you live?——In Baldwin's gardens.

Do you know the prisoner Roberts?—Yes, very well.

Do you know the Crown at Smithfield-bars?——Yes.

Was you ever there?—Yes.

When?——Every night this week, and most part of the day, it is a house I frequently use.

Do you know the landlord?——Yes.

What he that keeps it now?——One Crabb has kept it within this day or two.

Who was the landlord when you used to frequent it?——James Beaman.

Where is he?——I believe he is in trouble.

What trouble?——I cannot say, I believe he is in Newgate about some silk, I think I have heard say.

Did you ever see the prisoner Roberts at that house?—Yes, on Tuesday night.

How came he there?—He was drinking there in the same box that I was.

Who did he come in with?—He came in by himself, I saw nobody with him.

Did you see him come in?—Yes, I did, and I asked him to drink.

How long had you been there before him?—I was there all day from about ten in the morning.

Did he join company with you when he came in?—Yes.

What time did he come in?—Between four and five.

How long did he and you stay there?—

We

We ſtopped there till eleven I ſuppoſe, or it might be ſomething more.

Were any body elſe in company?——Yes, there were three or four more.

Who were there?——There was one Joſeph Dean, he is at the door now, and one William Jenks, there were ſeveral in the tap-room, but nobody elſe that I knew in company with me and the priſoner, there were about four of us in company, there was a man that went by the name of John the footman, I did not know what his other name was, (this is the man.

(Pointing to John Weſt.)

How long did he come in before the priſoner?——The priſoner came in a good while before Weſt.

When did Weſt come in?——About ſix o'clock I believe it might be; I cannot rightly ſay, I believe it to be between five and ſix.

Did anybody come in with him?—No.

How many women were there in company?——I do not recollect ever a one.

What, not the whole evening?——No, they might come in backwards and forwards, but never to ſet down.

What had you for ſupper?——Nothing.

Had anybody anything?——Not that I ſaw, nobody had anything to eat while I was there.

Who went away firſt?——We all came away together; I was acquainted with Weſt before, he came there about ſome ſhoes.

How long was the priſoner out during that time?——I never knew him out, not at all, only to make water, and in again.

You were there a conſiderable time before the priſoner?——Yes, I was there at ten in the morning, I was not out till I came out for good at eleven, I came in between four and five, and the priſoner between five and ſix.

Then it is not true that you went with Weſt to help him to carry the ſhoes home?——I did not.

You did not come in with Weſt?——No.

That is not true?——No.

What did you drink, beer or ſpirits?——Beer, and ſeveral three-penny worths of gin and water.

The priſoner Rankin called two witneſſes who gave him a good character.

BOTH GUILTY.

Court. In the firſt place let theſe two witneſſes Weſt and Marſh be committed to Newgate.

Court to Priſoners. You have both of you been convicted upon very ſatisfactory evidence which has perfectly convinced my mind, as well as that of the Jury, of your guilt; and from the circumſtances of this caſe, you appear to be extremely improper and dangerous men to be ſuffered to go at large in this country, to have an opportunity of plundering your innocent fellow-citizens; it is therefore neceſſary for juſtice, and the public ſafety, that I ſhould ſend both of you out of the country; but I think it neceſſary to make a diſtinction in your caſes now, though there was none before, for I conſider the guilt of Roberts as greatly aggravated by the perjured defence he has ſet up in a Court of juſtice; I have always kept a very ſtrict watch over perjured defences ſet up by witneſſes, and I have thought it my duty to put theſe witneſſes into a mode of receiving the puniſhment they have deſerved; but I have alſo thought it right in all caſes to increaſe as much as the law will permit me, the puniſhment of thoſe offenders who have dared to ſet up ſuch a perjured defence; for the miſchief of the perjury does not merely ſtop in the perverſion of juſtice in that ſingle trial in which it is produced, but it has a tendency to deprive innocent men of the benefit of that ſort of teſtimony, and to render it ſuſpected even if true; theſe ſort of defences have been ſo frequent, that the moment they are mentioned they are looked upon with a jealous eye, both by the Court and Jury, and the conſequence of which may ſometimes be to pervert the truth on the other ſide, and to render it not worthy of that attention it might deſerve. The

ſentence

ſentence of the Court therefore is, that you Robert Roberts be tranſported to Africa for the term of ſeven years, and that you George Rankin be tranſported for the term of ſeven years to ſuch place or places as his Majeſty with the advice of his privy council ſhall think fit to declare and appoint.

Tried by the firſt London Jury before Mr. RECORDER.

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963. WILLIAM CASELEY was indicted for feloniouſly ſtealing on the 6th day of October, one woollen box, value 1s. five teaſpoons, value 12s. 6d. a tableſpoon, value 8s. a ſilver punch ladle, value 6s. a pair of ſtays, value 14s. a cap, value 2s. an apron, value 1s. nine children's linen caps, value 2s. four ſhirts, value 1s. two clouts, value 1s. one child's dimity robe, value 2s. the property of John Holman Deverell, in his dwelling houſe.

And JAMES SCOTT was indicted for feloniouſly receiving the ſame goods, on the ſame day, knowing them to be ſtolen.

JOHN HOLMAN DEVERELL *ſworn.*

I live in Whalebone-court, Bell-alley, on Thurſday the 6th of October I went to take a walk about five in the evening to the Shepherd and Shepherdeſs, and on my return I heard that I had been robbed during my abſence, and I ſuſpected the priſoner Caſeley.

How came you to ſuſpect him?—Knowing his indifferent principle; he was about my houſe frequently, not employed by me, but he had free acceſs to my houſe to eat and drink; I took him up with one Hillman, and in Hillman's pocket was a piece of flannel found, that was locked in the box that was ſtolen from my premiſes: I got a ſearch warrant to ſearch Scott's houſe; when we went there, the property was firſt denied by Mrs. Scott, but Mrs. Scott ſaid that Mr. Caſeley and Mr. Hillman were in the cellar with her huſband, and we found in the houſe all the things mentioned in the indictment, the ſtays and cap were thrown out of the window into a gutter, and a child's bedgown and other things were thrown out of the window into the gutter.

JAMES MILNER *ſworn.*

I ſearched Scott's houſe and found theſe things.

What is Scott?——He is a cheeſemonger in Widegate-alley, Biſhopſgate-ſtreet.

(The ſpoons and punch-ladle depoſed to, marked I. D.)

Proſecutor. There were two Stock receipts for 3 per cent. conſolidated Bank Annuities in my houſe when I went out.

WILLIAM WILLIAMS *ſworn.*

I ſaw the priſoner Caſeley come in about half after ſeven, at one Knap's in Angel-alley, at the George, and Hillman was with him, he brought in a box and ſtrove to open it with his hands to lift it, he pulled out a key and tried to unlock it, but the key would not go in; in about three or four minutes they went out together and took the box with them; they were gone an hour and a half, and the proſecutor was waiting for them, as ſoon as he ſaw them he pitched them both into a box and charged the watch with them; about two or three in the afternoon I went to Scott's with a ſearch warrant, and the officer went up ſtairs and brought down this bundle.

Hannah Horne, the priſoner Scott's ſervant, ſaw Caſley and the other man come in with the box and go down in the cellar with Scott.

The two watchmen confirmed the finding the things at the houſe.

Priſoner Caſley. My Lord, my wife lives with the proſecutor, ſhe and him went out.

Court. What, is ſhe his ſervant?—No; he took her from me, ſhe is my lawful wife, I have ſix or ſeven children by her, I have three children living now, it was unknown to me ſome time where they were, and yeſterday

terday was fortnight ſhe contrived to go out with him that I ſhould take his property, and ſhe would follow me with the reſt as ſoon as ſhe conveniently could; this is a fact, this man took my wife, and her property was in this box, which was the ſtays and cap and other materials; as to the ſpoons, that this man ſays were his, before ever I knew that ſhe cohabited with this man, ſhe brought them to the houſe, ſix months before, and ſaid they were her property; I diſpoſed of them to Mr. Scott as ſuch.

Court to proſecutor. What do you ſay to this?——What he ſays concerning his wife, is doing his wife a deal of injuſtice, he is ruining his children, I took two of them out of Shoreditch work-houſe, and teach them the fear of man and the fear of God.

Court. But what do you keep the wife too?—Yes; do not think that I want to diſtreſs the man of a wife; no! I took that woman as a proſtituted being from the ſtreet.

So you took her to keep her from proſtitution?——I do my Lord.

Have you any children?—No; but I keep three of this man's, as they ſay; ſuppoſing I do live with his wife, they ought not to rob me, if I have done wrong there is a court of juſtice for me; theſe things were always in my poſſeſſion, the box was mine, the punch-ladle was given me by my uncle, the linen was for the children of my firſt wife.

What age is this woman that lives with you?—I ſuppoſe ſhe is about thirty.

She may have more children and it may be uſeful to keep the linen?—It will be ſo.

How long has this woman been with you?——About two years; this man has had free acceſs of my houſe, they were always as intimate as could be, as far as the cupboard, but nothing further.

And ſo you keep theſe things to ſupply the children this woman may bring you?—Yes.

I ſuppoſe you know, if you convict this poor fellow of this offence he will be hanged, and you will have no more trouble?—No, my Lord.

Court. Let us hear no more of ſuch a ſtory as this; your time is too precious Gentlemen to be waſted upon ſuch a tale as this.

Jury. My Lord, we are perfectly ſatisfied.

BOTH NOT GUILTY.

Tried by the firſt London Jury before Mr. Juſtice NARES.

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964. JOHN FARROL was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Jane Morgan, ſpinſter, about the hour of three in the night, on the 1ſt of October, and burglariouſly ſtealing therein one woollen jacket, value 5s. one linen jacket, value 2s. a pair of ſtuff ſhoes, value 12d. a pair of buckles, value 6d. a pack of cards, value 2d. her property.

There being no evidence, the priſoner was

ACQUITTED.

Tried by the firſt London Jury before Mr. Juſtice NARES.

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965. MARY BURCH was indicted for feloniouſly ſtealing, on the 12th of October, one cotton gown, value 8s. one petticoat, value 8s. one bed-gown, value 12d. a pair of ſtays, value 2s. a cloak, value 5s. a cap, value 4s. a hat, value 2s. the property of Charlotte Brand, widow.

CHARLOTTE BRAND *ſworn.*

The priſoner robbed me and ſtripped me of my clothes, on the 12th of this month I was coming home and accidentally I met the priſoner ſomewhere in Oxford-road, I cannot tell where ſhe met me, I went home with her, but I cannot tell what part ſhe met me in no more than the court.

You are a ſtranger in town?——I came from Spain but I have been in England going on theſe two years, I was born in Spain,

my father is Engliſh, my mother is Spaniſh, I was brought up among Engliſh people, I live at preſent in Great Saint Andrew's-ſtreet.

Where had you been?——I went to ſee an acquaintance of mine that lived in Bird-ſtreet, I went home with the priſoner and I could not ſleep all night, the priſoner ſpoke to me by my name, I ſaw her once before, ſhe aſked me to go home with her and lodge with her till morning, I was glad of it to go out of the rain, for I was all wet, and I went home with her and ſtaid all night, in the morning I got up and I was not very well, and ſhe ſaid ſtrip off all your clothes and lay down and get a ſleep, you are in an honeſt houſe, I ſtripped ſome of my clothes off and kept ſome on, I was afraid to ſtrip them all off, though I was not afraid of robbing me, but I thought it was not proper that I ſhould ſtrip.

Was any body there but her and her child?——No, but I do not like a woman to ſtrip; in the morning I did ſtrip off my clothes, and when I fell in ſleep, ſhe left me naked all but my ſhift, I waked, I looked all about, I was locked in, I made myſelf eaſy, I could not keep my eyes open, I was quite heavy, and ſomehow I was not very well, and ſo at night ſhe came home and ſhe told me to go about my buſineſs, and turned me out in my ſhift, and I cried out murder, and they got blankets to cover me.

Are you ſure you was ſober that night when you went to ſleep?——I was ſober enough; the conſtable found the clothes where they were pawned, they were found on the Tueſday, the priſoner was taken up the ſame night.

——— FREEMAN *ſworn.*

I took the priſoner to the watch-houſe, and found the things at different pawnbrokers; the priſoner ſaid ſhe pawned them to get a breakfaſt; no promiſe was made her.

The different pawnbrokers produced the things which they took in, ſome of the priſoner, and ſome of her daughter.

(Depoſed to.)

PRISONER's DEFENCE.

On Sunday night, at one o'clock, I met the proſecutrix, and a man with her, they aſked me to recommend them a lodging, I ſaid I did not know I could; they aſked me where I lived, and went home with me, and the man that was with her ſent for two pots of beer and a quartern of gin, they deſired to have my bed, and the man ſtaid till about ſix, then he went away, and ſhe ſent me for a pot of hot, which coſt eight-pence, and half a pint of gin, which coſt four-pence; after that ſhe ſent her cap and her ſtays by my child; I did not know ſhe ſent them.

GUILTY.

Privately whipped, and impriſoned ſix months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. RECORDER.

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966. CHARLOTTE SPRINGMORE and MARY HARRISON were indicted, for that they, on the 30th of September laſt, in the King's highway, in a certain public ſtreet called Catherine-wheel-alley, unlawfully, wilfully, maliciouſly, and felonioufly, did make an aſſault upon Suſannah Edhouſe, with intent to burn, ſpoil, and deſtroy her clothes, and did ſpoil, burn, and deface, a certain garment of her the ſaid Suſannah, being one cloth cotton gown, value 10s. her property, being part of the apparel which ſhe had on her perſon, and then wore.

A ſecond count, for making an aſſault on her, with intent to ſpoil and deface the garments and clothes of the ſaid Suſannah, and then and there ſpoiling and defacing the ſame.

(The caſe opened by Mr. Silveſter.)

SUSANNAH EDHOUSE *ſworn.*

I live in Wingfield-ſtreet, oppoſite Catherine-wheel-alley, at the ſign of the Black Swan, a gin ſhop, and public houſe, at nine o'clock on Friday the 30th of September, I was croſſing the way, the two priſoners

priſoners were ſtanding together at the uſual place, and Mary Harriſon and Charlotte Springmore ſaid to one another, there are ſo many fly whores now it is impoſſible for a public whore to get her living; they ſaid ſo becauſe I live with two ſingle men, and they ſaid a great many words which are ſcandalous to mention, and they immediately followed me down the Alley; the priſoner Springmore had chucked ſomething at me before on that evening, and therefore I turned my head over my ſhoulder, and kept looking behind me; juſt as I got to the corner I ſaw Mary Harriſon throw ſomething upon me, and out of a cup or ſmall ſlop baſon on the right ſide of my clothes, and I clapped my gown together; I ſhewed it to my maſter, and the gown was burnt very much, my maſter threw cold water upon it directly; the conſtable has the gown.

(The gown produced, burned through and through.)

Mr. Garrow, priſoner's counſel. Are theſe holes in conſequence of that ſtuff being thrown on?——Yes.

What are you?——I am only ſervant, I am not miſtreſs.

A little bit of jealouſy, I ſuppoſe?——I never had any words with them.

Who was it that told you that you could not do any thing to them for burning your clothes in the houſe? — One of the clerks at Hicks's Hall.

At that time had you made any complaint of any thing being thrown upon you in the ſtreet?——No.

This is a gin ſhop?——Yes.

I am afraid theſe women conſume a great deal of their money there?—— What they wanted they had.

Do you remember their coming in on the evening when this happened? — Yes, they followed me in directly.

What did they do with this cup or baſon?—Springmore had it in her hand when I came in.

Was Mr. Wawill there? — Yes, he is a tallow-chandler.

Did not you ſay your gown was burnt, but did not know by whom?——No, I did not, I went to the Juſtice, and made my complaint, and the women were diſcharged.

Then Mr. Wawill went to the Juſtice after?——Yes.

And Mr. Wawill was very angry with the Juſtice for diſcharging them?—Yes.

Court. What complaint did you make at firſt to the Juſtice?— About this burning my handkerchief on the Monday night before, and on the Friday night following, that was the complaint I made to the Juſtice.

You went there by the advice of Mr. Wawill?——Yes.

How came you then not to tell the Juſtice of what they had done in Catherine-wheel-alley, this had happened in Catherine-wheel-alley before you went to the Juſtice's?—Yes.

And did you tell the Juſtice of this that had been done in the Alley when you went?—Yes.

Are you ſure of that?——Yes.

Recollect yourſelf; was not the gown that you have produced burnt in the manner it is by what they did in the houſe?— No, there were theſe ſmall holes burnt in the houſe, but not thoſe large ones; I am clear in that; I had the gown on when I went to the Juſtice, I told him that ſome part was burnt in the houſe, and the remainder in the ſtreet at nine in the evening.

Mr. Silveſter. Who was the Juſtice?——Juſtice Staples in Whitechapel.

ABRAHAM WAWILL *ſworn.*

I am a tallowchandler in Wentworth-ſtreet, Spital-fields; as I was returning home from Whitechapel through Catherine-wheel-alley, about nine, I met Suſannah Edhouſe with ſome beer in her hand, and the two priſoners at the bar behind her, I then paſſed them, and went to the public houſe where this girl lives, the Black Swan in Roſe-lane, which is three doors from my houſe, and my houſe is oppoſite Catherine-wheel-alley, acroſs the road, I went into the

bar,

bar, and ſet down with the landlord, and had a pint of beer, and before I drank any of the beer I ſaw theſe two girls go out of the tap-room, and in five or ſix minutes the proſecutrix came in and ſaid the two priſoners had burnt her again, upon which I ſaid, then they burnt you when I paſſed you, for one of them had a ſmall cup in her hand, the girl came into the bar where I was, and the maſter took up the gown, and it burnt his fingers, and turned them quite yellow, and I took it up, and it burnt my fingers; I ſays to the maſter, ſure there is ſome law for this, or elſe we ſhall all be burnt; ſo I went to Mr. Quarril's, and he ſays, go and take them. and keep them as felons; there is no occaſion for a warrant, for I have no warrants, or elſe I would make out one, ſo an officer came back, and the priſoners were ſitting in the Swan tap-room, and they were taken to the watch-houſe; and the next day at twelve, I went to the Exciſe-office to pay my duty, and when I returned I ſaw them at large in the ſtreets, which rather ſurpriſed me, and I went up to Mr. Staples and enquired into it, and they were taken up again, and they were committed; when the girl came in and ſaid ſhe was burnt, it ſhot into my head directly.

Mr. Garrow. You did not ſee them do anything with the cup?——No.

I have your examination here, in which you poſitively ſwore that you ſaw them throw it?——Upon a ſecond recollection, I ſaid I ſaw a movement of the hand, which you will ſee in the ſecond examination.

(Reads his examination.)

" I ſaw either the ſaid Charlotte or Mary " throw ſome liquid out of a cup or earth- " en veſſel upon the clothes of the ſaid Su- " ſannah Edhouſe."

How long have you uſed this gin-ſhop? ——I have uſed it for beer theſe four years; the two priſoners ſtood over there.

They were unfortunate proſtitutes, that were great nuiſances to you?——Yes.

You wiſhed to get rid of them?—Yes, they have a right to be got rid of.

Certainly, by legal means, but not by bringing proſecutions, which they do not deſerve.

Court to Proſecutrix. I think you told me that your head was turned round, and that you ſaw Mary Harriſon throw ſomething upon you?——Yes.

How long ſince have you recollected that?——The very moment it was done.

But you had forgot it the next morning at the Juſtice's?——I ſaid the ſame words there.

(Reads.) " The ſaid Charlotte and " Mary followed her into the ſaid alley, " and there one of them, which I cannot " ſay, as they were walking arm in arm, " having a teacup in her hand, threw " ſomething upon her clothes, which ſhe " felt."

Mr. Garrow to Wavil. This proſecution is carried on by a company of linen-drapers?——It is.

Court. This ſtory is viſibly mended, is anybody here that was preſent at the Juſtices the firſt evening?——Andrews was.

——— ANDREWS *ſworn.*

I am a conſtable, I went with the young woman to Mr. Quarril's, ſhe told her ſituation, and ſhewed her gown; he ſaid, there was no occaſion for a warrant; ſhe ſaid that theſe two women ſhe ſaw in the alley, and that they threw ſome ſtuff upon her out of the cup; ſhe firſt complained that ſomething had been thrown in the houſe, and burnt ſeveral holes, and then ſhe ſaid in the alley afterwards, they threw ſome ſtuff upon her.

Did ſhe ſay that upon your oath?—— Yes.

Are you ſure of that?——Yes, I was preſent before Mr. Staples, when they were diſcharged.

What did ſhe tell Mr. Staples the firſt time ſhe was examined before him?—Mr. Staples diſcharged them on account of there being no evidence.

What ſtory did ſhe tell him?——She told him the ſame as now, ſhe told him before in the houſe and in the ſtreet.

Mr.

Mr. Garrow. Wawill was not examined then?—No; this was about twelve o'clock on the Saturday, then they were discharged, then they were taken up again and Mr. Wawill attended.

Jury. Did ſhe ſay that either of theſe parties threw it upon her?——She mentioned Mary Harriſon, and ſaid they were arm in arm together.

BOTH GUILTY.

Court to Priſoners. Priſoners, you have been convicted of an offence which is of great malignity and evil conſequence to the public, and this being the firſt inſtance of a trial of this kind in my remembrance here, and the court having before them perſons who ſtand in that ſituation you do, for we are now at liberty (though I wiſhed not for it to make any impreſſion on the minds of the Jury before,) to take notice of your very abandoned character and conduct; I therefore think I ſhall do juſtice to the public to enforce this law in its ſeverity, and therefore the ſentence of the Court is, that you and each of you be *tranſported for ſeven years* to ſuch place as his Majeſty by the advice of his Privy Councel ſhall think fit to declare and appoint.

Tried by the ſecond Middleſex Jury before Mr. RECORDER.

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967. JOHN SIMMONS was indicted for that he, on the 22d of September laſt, 30lb. weight of lead, value 2s. belonging to Samuel Spooner, affixed to a certain dwelling-houſe of his, feloniouſly did rip, cut, and break, with intent to ſteal.

The WATCHMAN *ſworn.*

Between the hours of three and four in the morning the proſecutor called watch, watch, three or four times, the proſecutor called me and the priſoner was there with ſome lead, and the priſoner ſaid he did it for want.

PRISONER's DEFENCE.

I was coming home, and ſomebody chucked up my hat there, and I went for it; what I ſaid to the watchman was, becauſe I was frightened.

Jury. My Lord, ſome of the Jury are not ſatisfied, unleſs the proſecutor was here.

Court. You hear, Gentlemen, he was taken in the fact, and owned it directly.

GUILTY.

To be whipped and impriſoned ſix months.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice NARES.

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968. THOMAS BRETT was indicted for feloniouſly ſtealing on the 19th of January laſt, nine dead fowls, value 19s. the property of John King.

The proſecutor and witneſſes called on their recognizances, and not appearing, the priſoner was

ACQUITTED.

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969. WILLIAM SMITH, otherwiſe NEWMAN, was indicted for feloniouſly ſtealing, on the 26th of September laſt, twelve paſte ſhoe-buckles ſet in ſilver, value 10l. the property of John Tirbett, in his dwelling houſe.

JOHN TIRBETT *ſworn.*

I am a jeweller in St. Martin's-court, I loſt ſeveral paſte buckles ſet in ſilver, value 10l. they were in my ſhew-glaſs, in my ſhop, which is a part of my dwelling houſe, I never ſaw the priſoner before, my wife found twelve of them again in my preſence, they were found under the ſhew-glaſs; I ſaw the priſoner with his hand in the glaſs caſe take the buckles out, I faſtened him, and he dropped the property immediately, that was about eight in the evening.

evening, they were dropped on the ground in the ſtreet.

Was his hand out of the ſhew-glaſs, or in the ſhew-glaſs, when you caught him?——Out of the ſhew-glaſs; a bullock was drove through the court, and he was one of the followers; my wife only took them up, I ſaw her take them up.

Did he break the glaſs, or did he open it any way?——I cannot ſay whether he opened it or no, there were three ſhew-glaſſes broke at that time, they were whole before.

PRISONER's DEFENCE.

I had been up in Holborn, the bullock was coming along, and run after us, and going through this alley the bullock broke the windows, and knocked down this gentleman's ſhew-glaſs, I was eating an apple at the time, and the gentleman came and ſaid I had been having my hand in at his ſhew-glaſs; he immediately took me into his ſhop, and the butcher that was ſtanding by ſaid I did not touch anything.

Court to Proſecutor. Did the bullock break the ſhew-glaſs?—I believe he might part, but not the whole.

ROBERT LAMB *ſworn.*

I ſaw the priſoner drop the buckles out of his hand; the bullock was not then come ſo far as the ſhew-glaſs.

Proſecutor. I believe that I miſtook, I believe the bullock was gone paſt.

Lamb. I believe it was gone paſt, but I ſaw the priſoner drop the property, I am ſure of that.

Proſecutor. Lamb came up the inſtant that I collared him.

ROBERT MALER *ſworn.*

I live with Mr. Tirbett, I ſaw the priſoner's hand in the ſhew-glaſs, taking the things out; I believe it was broke before.

Jury. Where was you when you ſaw his hand in the glaſs?——At the ſhop door.

Court to Priſoner. What are you?—A cooper.

Jury. Was the ſhew-glaſs thrown down by the ox?——No.

Jury to Proſecutor. Was your ſtall board out according to act of parliament?—Yes. Then this glaſs was beyond that?—Yes.

GUILTY.

Of ſtealing, but not in the dwelling houſe.

To be impriſoned twelve months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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976. ESTHER DAVIS was indicted for feloniouſly ſtealing, on the 6th day of October, one linen handkerchief, value 3s. one gold watch, value 20l. one gold chain, value 8l. two keys, value 4s. four ſtone ſeals ſet in gold, value 3l. the property of George Snowdon, privily from his perſon.

The Proſecutor not appearing, the priſoner was

ACQUITTED.

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971. CHARLES KINROSS was indicted for burglariouſly and feloniouſly breaking and entering the dwelling houſe of Eſther Caſſon, about the hour of eleven in the night, on the 19th day of October, with intent her goods and chattles in the ſame dwelling houſe then being, burglariouſly to ſteal.

(The caſe opened by Mr. James.)

ESTHER CASSON *ſworn.*

I live at No. 17, Nightingale-Lane, I have never been well ſince my huſband was killed, he is the officer that was killed at Covent Garden; we were all ſitting at the kitchen fire, there was James Steward, James Barlow, and Elizabeth Wood, it was about half after eleven on the night of the 19th of November, we have a half door before the ſtreet door, a hatch that was ſhut, I am poſitive it was ſhut, and the door on this ſide the hatch was ſhut, and locked; and ſuddenly as we were ſit-

ting by the fire, I obſerved both the doors, with a great ruſh come againſt the wall of the paſſage, the ſtreet door is about eight yards from the place where I was ſitting, I had an opportunity of ſeeing the door burſt open, I jumped up immediately, and the priſoner was at the kitchen door in the houſe, and I ſeized him by the collar, I diſcovered the priſoner immediately after the door was broke open, I ſaid to him, you villain, are you come to rob me, what brought you into my houſe, and my gown being long my lodger could not get out behind me to take them, becauſe the place is but narrow, the other men were outſide of the door coming to ruſh in upon me, my lodger went out into the ſtreet, as I thought to take ſome more of them, but he returned, and the priſoner was trying to get from me, and he forced the priſoner into the kitchen, and called watch, and he was taken into cuſtody, I keep lodgers, ſeafaring men, I had two at that time, but they were both in bed.

Did you know the priſoner before?—All the knowledge I had of him, was by his paſſing the door, we have two bad houſes near.

Jury. Pleaſe to put that queſtion very cloſe to the proſecutrix, whether ſhe does not know the priſoner before?

Mr. Knowles, priſoner's counſel. I was going to aſk that queſtion?—I have ſeen him paſs before in bad company, but I never ſaid a word to him.

I believe at this time you was in high converſation with ſeveral of your lodgers?—We were in converſation.

Were not you ſpeaking rather loud?—No, Sir.

Could not any body going by hear you? No, Sir, they could not.

The lights were not out?——No, Sir, thank God.

You have ſeen this man before?—Yes.

Do not you know what he is?—I do not look upon him to be good.

That is no anſwer, do you know what he is?—I do not.

Has not he frequently played a tune to you?—Never in his life.

Will you ſwear that?—Yes.

Do not you know this man is frequently playing oppoſite to you on the clarinet?—Yes, but that is not to me.

Court. Do you know that this man plays upon a muſical inſtrument, near your houſe?—He never played to me, I have ſeen him playing in the open ſtreet.

As you knew him as playing about, are not you convinced by his being in your neighbourhood, that he knew you too?—Yes, he knew me to be a woman of property.

Was not he very well acquainted with your perſon?—No, Sir, he was not, why ſhould I make him acquainted with my perſon.

I did not aſk you as to any improper acquaintance; did not he know you in the ſtreet, when he met you?—I am a perſon that have lived near twenty years in that pariſh, and have always lived in credit.

Do you think that he has had an opportunity of ſeeing you often in the ſtreet, as well as you ſaw him?—Yes, Sir, I ſay ſo.

At the time this matter happened, did not a great many of your neighbours tell you who he was, that he was there upon a frolick?—No, Sir, never.

Has not this gentleman told you ſo?—Upon my oath no ſuch thing, not Mr. Dick, never opened his mouth upon the ſubject.

He did not make any demand of your money at that time?——No.

JAMES STEWART *ſworn.*

I was in this kitchen on the 19th of October, I went down into Sun-yard for a pot of beer, on my return home I ſhut the half door to, and the whole ſtreet door goes to with a kind of latch, and I ſhut it on the half lock, it was about half after eleven, we were ſitting talking by the fire ſide, and in a minute both the doors came ſlap in, Mrs. Caſſon being neareſt to the door, ſhe flew up and caught the priſoner by the collar, I thought to get paſt her, and apprehend ſome of the reſt; but I could not, I got entangled in her gown, and did not ſee the priſoner

ſoner till ſhe had him by the collar, I puſhed him into the kitchen.

Mr. Knowles. You lodge there?—Yes.

Do not you know that ſhe and her neighbours are frequently quarrelling together?——I do not know that, I am at home but a little while, I do not know what is between her and anybody, I know there are people in that neighbourhood that do not wiſh her well.

Do not you know that there is great enmities between her and her neighbours?—Yes, there are, through that gentleman that ſtands alongſide of you; John Davis, and Jack Homan by name, now lodges there.

What! has he changed his name; what was his name formerly?—There is nobody elſe there now, there was me and James Barlow were ſitting in the room, and the proſecutor and the ſervant.

How many men lodged in the houſe?—Three; we were ſitting by the fire, talking, when he came in, all of a ſudden the door burſt open; they burſt in all at once.

Jury. Was there any violence made uſe of; was the ſtaple attempted, or lock?——No, Sir, not that I ſaw, but on the wood work, oppoſite the lock, ſome of the paint is rubbed off, as if ſome inſtrument had been uſed to pick the lock.

Who did that, you cannot tell?——No.

Court. Did you obſerve the lock before?——Yes.

Was the paint off before?——No.

When did you ſee it before the man came in?——The paint was not off before the door was burſt open; not at any time that I ſaw.

Court to Proſecutrix. How did he come in?——He forced in when the door was forced open.

What anſwer did he give you?——He ſhook and I ſhook.

Priſoner. Did not I come with my inſtrument in my hand, and aſk you if you wanted a tune?——Nothing of the kind, upon my oath; I never ſaw any inſtrument till the next morning at the Juſtices.

(N. B. The priſoner had his clarinet in his hand upon his trial.)

ELIZABETH WOOD *ſworn.*

The laſt witneſs went out for a pot of beer about eleven, and Mrs. Caſſon ſaid, have you faſtened the door, and he ſaid yes; nobody was out at the door after till that man was catched in the entry, all of a ſudden the door made a great noiſe, as if it had been the hatch, ſhe jumped up, and catched him faſt by the collar, and ſaid, you rogue, are you come to rob me; Stewart went to jump over her, and catched his foot in her gown; there were ſeveral at the door, but I do not know who they were; I never ſaw the priſoner till my miſtreſs got hold of him, I did not obſerve the manner in which the doors were burſt open.

Mr. Knowles. Your miſtreſs and her neighbours are not upon very good terms?——I do not know.

You do know?——I know there is a bit of a quarrel between Mr. Dick and my miſtreſs, but not the priſoner; I have ſeen the priſoner very often, he is conſtantly in the neighbourhood, playing in the ſtreet, or in that gentleman's houſe, or at the Crown, we were all talking together; our light was not out, we never burnt but one candle.

You know that your miſtreſs knew that young man?——She has ſeen him very often, it is impoſſible to be otherways, he is ſo often there, I have ſeen him playing in the ſtreets.

Were not the public houſes open in the ſtreets at that time?——I do not know.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middleſex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wedneſday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

E. HODGSON,

PROFESSOR OF SHORT-HAND;

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[PRICE SIX-PENCE.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON, &c.

Continuation of the Trial of Charles Kinroſs.

Court. Attend to my queſtion, does your door ſhut ſo very faſt that you cannot ſee whether there is any light in the houſe or not?—Not except there was a glimmer, it ſcarcely did, according to where the candle ſtands, but I never looked to ſee.

Court. It was a very moon ſhine night that night?——I cannot ſay.

Proſecutrix. It was light, for you could ſee acroſs the place, for there is not a glimmer of light could be ſeen through my door.

James Barlow called, but did not anſwer.

Court. Gentlemen, I do not know whether I need trouble the priſoner to make any defence.

Jury. My Lord, we are very well ſatisfied.

NOT GUILTY.

Tried by the ſecond Middleſex Jury, before Mr. Juſtice NARES.

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972. JOSEPH FARRINGTON was indicted for feloniouſly ſtealing, on the 3d of October, one ſilver watch, value 10s. and one ſteel key, value 1d. the property of James King.

JAMES KING *ſworn.*

I loſt my watch in Halfmoon-alley, Biſhopſgate-ſtreet, but who took it I cannot ſay.

Did you ſee your watch ſnatched?—Yes, but it was done ſo ſuddenly that I could not tell who it was, it was one ſingle ſnatch; I think the perſon muſt follow me, and come abroad ſide of me, and then turn back and run, there was only one perſon, I turned and ran, and two men were taken, and ſomebody went and fetched the priſoner, he was fetched in three quarters of an hour, or an hour, I cannot ſay, they were all ſearched, and the watch was found on the priſoner; I was preſent when it was found, I am not ſure whether it was in his breeches or in his pocket, I could not ſwear to the watch; I have had it ſeventeen or eighteen years, and it had a very remarkable ſtring, and the perſon that cleaned it laſt there is his direction where he lives, I would not ſwear to the watch, nor did not, I have not the leaſt doubt in the world but it is my watch, becauſe of the man's name that cleaned it laſt; the ſtring is very remarkable, it was a bit of waſte ſtuff which I had, and I plaited it; the perſon that cleaned

cleaned it his name is Richardſon, watch and clock-maker, Fore-ſtreet.

Had your ever noticed the maker's name or number?——No.

Had you often opened the watch ſo as to take notice of anything?—Not very often, it was a watch that I put into my pocket when I go into the country a fiſhing, and ſometimes I have it not in my pocket for ſix months together, the glaſs and hour-hand have been broke ſince I loſt it.

Do you think you can be ſure of the ſtring?—It is made of a bit of ſcarlet braid, ſuch as is uſed for ſtays, I ſuppoſe there never was ſuch another ſtring, from the glimpſe I had of the priſoner I do not think it was him that took it, I think it was a taller man, and one of the men that were taken firſt was a taller man.

I think you ſaid alſo you did not obſerve more than one perſon in ſight at the time?——No, only one perſon, I turned immediately.

In following that perſon did you get any glimpſe of him again?—Not at all, it is a long alley, I believe he was ſtopped in the alley, but there was not light enough to ſee at any diſtance.

Mr. Peatt, priſoner's council. Is the man that cleaned your watch a journeyman?—A maſter.

I ſuppoſe he does a good deal of buſineſs?—Yes.

I ſuppoſe it is uſual to put the name and directions in the caſes of all watches?——I believe it is.

With reſpect to that ſtring, you know ſtrings are various, like people's fancies, and ſuch a ſtring might, for what you know to the contrary, be put to fifty watches?——I did not ſay there never was ſuch a ſtring.

No, clearly not, though it is not uſual, yet it is poſſible that fifty other perſons have put ſuch a ſtring to their watch?——I will not ſay they would not.

You have already ſaid that whoſoever it was that ſnatched your watch you had juſt a glimpſe of him, and thought him rather taller than the priſoner?——Yes.

——SPENCER *ſworn.*

I was ſitting at my own door about half paſt nine on Monday night the third of October, and there was an alarm of ſtop thief, I ran directly, two men ran by and I ſtopped them, I took one, and one Brown took the other; Mr. King came up in two minutes, or leſs, and ſaid he was robbed, I took the two men to Biſhopſgate-ſtreet watch-houſe, and ſearched them; they ſaid they knew nothing of the watch, and Mr. King ſaid he thought one of them was the perſon, but he could not ſwear to one of them; he gave charge of them; I took them to the Poultry Compter, and being informed of the priſoner, I found him at the Ship Ale-houſe, Shoreditch; I aſked him if he had the property, he ſaid nothing; I brought him to Mr. King; Mr. King ſaid he did not know whether it was him or no; ſaid Mr. King, have you got any watch, and when he came into the public-houſe he ſaid, d——n my eyes, Mr. King, if I had known it was you I would have robbed one hundred before I would have *done* you; ſays Mr. King, have you got the watch, ſays he, I do not know; come with me and I will take you where it is; ſays I, you muſt not go out of my cuſtody, he deſired to go into a private room, for he wanted to ſpeak to Mr. King; we went up into a room, and he ſaid, ſhut the door, I was going to order ſomewhat, and I ſaw him clap his hand to his breeches, as if he was going to draw ſomething, he would not be ſearched, I took him up in my arms and laid him on the table, and took the watch out of his fob on the right hand ſide, Mr. King ſaid he thought he ſhould know his watch again; he deſcribed it as a ſmall ſized ſilver watch; ſays I, is that your watch, yes, ſays he, it is the ſtring I made myſelf.

Mr. Peatt. I ſuppoſe there was a good many people in the alley when you took theſe two people?—Yes.

You only ſuſpected them from their running, I ſuppoſe?—Yes.

JOHN DENT *ſworn.*

On Monday the 3d of October, I went

into this public houſe. about half after nine, and I ſaw three young men drinking together till half patt nine, then they went on together, and in about five minutes there was the cry of ſtop thief; I ran out, and juſt as I got there ſome people were running, and I went up and ſaw two of theſe young men who had been drinking, I knew them again; I went and told the people of the public houſe, and the maid knowing them, we found out who was the third, and we took him to the watch-houſe; when he came to the public houſe, he ſaw Mr. King, and he ſaid is it you, d——n my eyes I have robbed an hundred people, and I would rob an hundred more before I would rob you.

Mr. Peatt. You do not know what the priſoner did after he left the public houſe? ——No.

STEPHEN JONES *ſworn.*

I was ſitting at the Marquis of Granby's door, and I heard the cry of ſtop thief; I met Spencer, and aſſiſted in taking the two men, and having information of the priſoner, we took him, and found the watch upon him.

Do you know the proſecutor, Mr. King? ——Yes, ſo far as this, I had carried ſilk to his houſe; he lives in Horſe-ſhoe-alley, at the ſign of the Crown, he is a ſilk weaver, I have carrried many bales of ſilk to him.

Court to Mr. King. Did you know the priſoner perſonally before?——I never ſaw him but once before, he might know me, my Lord, becauſe his father lives in a houſe that I have.

PRISONER's DEFENCE.

As I was going down Biſhopſgate-ſtreet, a young lad came up to me, and asked me to buy this watch, and two men came acroſs the way, and I ſaid, I do not think you came honeſtly by this, he immediately run away, and I was ſo confuſed I did not know what to do; I went to the Black dog in Shoreditch, and told all the people how I came by it, and ſhewed it in the tap-room, and many people might hear of it in the neighbourhood; I ſaid a chap wanted me to buy this watch, and the people at the public houſe told me my beſt way was to take it up to ſome officer or other to advertize the watch, and I had not been out of the houſe two minutes before I was taken.

Have you anybody to prove this?——I think I have people here.

The priſoner called one witneſs to his character.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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973. JEFFERY CALLEN and CALEB WARREN were indicted for feloniouſly ſtealing on the 18th day of October, thirty-ſeven pounds weight of lead, value 3s. belonging to James Davis, and affixed to his houſe.

JAMES DAVIS *ſworn.*

I received information that the two men were getting lead from my houſe, I went to the houſe where I had the information, that the lead was carried to, and I ſaw the maſter of the ſhop, which employed the man, and deſcribed the men, and told him the matter, he ſeemed at firſt to take little notice of it, but I being a ward beadle, I ſaid he ſhould abide the conſequence, then he ſaid there were a bricklayer and a labourer at work at the top of the houſe, they were called down; they firſt denied the fact, but afterwards they owned that they had taken the lead, they were at work at an empty houſe that was lately Mr. Bell's, the houſe was next door but one to mine.

Did you make any threatening that you would ſend them to the Compter if they would not confeſs?——Nothing of that ſort, they offered to replace it, but I would not let them.

There were no promiſes or threats?—— None

None at all; I went up to the top of the houſe, I did not chuſe to venture out, but one of the workmen went, he is not here.

WILLIAM HAGGETT *ſworn.*

On Tueſday evening laſt a little after five, I was ſitting at the window at work, at the upper part of the houſe, and looking through the window, I ſaw two men on the roof of the houſe; next to that which was repairing; I looked at them, I ſaw one of them get on the proſecutor's houſe, and the roof being ſo narrow he could not walk on it, he got aſtride on the roof, and hitched himſelf on, when he came cloſe to the chimney he ſlid himſelf down, and there was a large ſheet of lead, which lay between the roof of the houſe, and the chimney, he began to pull that off, then I watched him, and he had like to have been down in the ſtreet, he ſlid down half a yard till his foot catched at an arch of the chimney, then he recovered himſelf and went to it again, and got it quite off, then he folded it up, and handed it to the other priſoner, and he put it into the garret window.

Had you an opportunity of ſeeing theſe men?——Yes, I looked through the window, and to be more particular, I opened the door of the leads of our houſe, and then I could ſee them more perfectly, they are the two priſoners, I am ſure of it.

How wide is the ſtreet acroſs that you ſaw them?——It is Fiſh-ſtreet hill, it is not a broad ſtreet.

Court to Davis. What quantity of lead was taken?——Thirty-ſeven pounds, I ſaw it weighed, I ſaw the lead in the houſe down ſtairs, I did not compare it.

PRISONER's DEFENCE.

I was ordered by my maſter to repair this firſt old houſe, to make that tyling good, and ſo I was going along the gutter and I ſaw this bit of lead lay ſo I took it up, and put it into the garret window for ſafety till my maſter came.

The priſoner Warren called five witneſſes, who gave him a good character.

The priſoner Callen called one witneſs to his character.

BOTH GUILTY.

Each to be confined ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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974. FREDERICK BELK was indicted for feloniouſly ſtealing, on the 14th day of October, one yard and a quarter of ſerge, value 18d. the property of the united company of merchants trading to the Eaſt-Indies.

A ſecond count, laying it to be the property of George Archdale Lowe.

GEORGE ARCHDALE LOWE *ſworn.*

On Friday the 14th inſtant, I was called down from dinner, I am a packer, this ſerge was intruſted to my charge by the company, I ſaw the priſoner in cuſtody.

JAMES MILLS *ſworn.*

About two on Friday, the 14th, one of the men called me out of the compting-houſe, and told me that they found a piece deficient, I ordered the priſoner to be watched.

HENRY DESSE *ſworn.*

At three o'clock laſt Friday was a week, Mr. Mills ordered me to ſtand behind a pile of long ells, and the firſt piece the priſoner took in hand he cut, then I acquainted Mr. Mills, and he came and found it in his breeches.

(Produced.)

PRISONER's DEFENCE.

I am an elderly man, it is the firſt time I ever was arraigned at any bar whatever, I hope you will take compaſſion on my family, as I am troubled with an aſthma, and have been ſo ever ſince I have been confined.

GUILTY.

Mr. Lowe. I beg leave juſt to obſerve, that in conſequence of the priſoner's having

cut this piece, I thought it my duty to unpack great part, and I had the misfortune to find one hundred and two pieces cut in this manner, and from many concurring circumſtances which amount to abſolute proofs, and leave it beyond a doubt, they were cut by the priſoner.

Court. You do right in telling it me now, and in not telling me before; it is a very bad offence; what age is the priſoner?—Fifty-one.

Court to Priſoner. You have been convicted on the cleareſt and moſt deciſive evidence, ſuch as excludes all poſſibility of doubt; if gentlemen employed in buſineſs of this nature cannot put a truſt in thoſe whom they muſt neceſſarily employ under them, the hazard is ſuch as would diſable any body from carrying on buſineſs; ſo that it is extremely neceſſary to the public that ſuch practices ſhould be put a ſtop to, and there is great reaſon to believe you have carried on this to a very great extent, therefore you are a very proper perſon to puniſh as an example to others; the ſentence therefore of the Court upon you is, that you be tranſported beyond the ſeas, for the term of ſeven years, to ſuch place as his Majeſty by the advice of his Privy Council ſhall declare and appoint.

Tried by the firſt London Jury before Mr. RECORDER.

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975. WILLIAM KELLY was indicted for feloniouſly ſtealing, on the 16th day of October, a cloth coat, value 6d. a waiſtcoat, value 6d. a ſhirt, value 1s. a handkerchief, value 2d. a pair of ſhoes, value 6d. a pair of ſhoe buckles, value 6d. a claſp knife, value 6d. a purſe, value 1d. and one ſhilling in money, the property of Terence Egan.

TERENCE EGAN *ſworn.*

I laid next room to the priſoner at a lodging houſe, and he took away the things in the indictment, I purſued and took the priſoner with the things under his arm, theſe are the clothes I have on.

WILLIAM CONNER *ſworn,*

Confirmed the above witneſs.

Priſoner. I bought every half-penny worth that I had.

GUILTY.

Tranſported for ſeven years.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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976. MARY (the wife of Joſeph) BARKER was indicted for feloniouſly ſtealing, on the 29th of September laſt, five yards of printed cotton, value 17s. 6d. the property of Mary Lawſon.

NOT GUILTY.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

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977. ANN SMITH was indicted for feloniouſly ſtealing, on the 26th day of September laſt, five yards of printed cotton, value 5s. the property of John Mackey.

FRANCIS UMPAGE *ſworn.*

I am ſervant to the proſecutor, I was going round the window of the ſhop, and I ſaw the priſoner looking in at the door, when ſhe had opened the door, ſhe fnatched a piece of print, and was going away with it, I cried ſtop thief, and ſhe immediately threw it down, I ſtopped her at the door.

JOHN FRENCH *ſworn,*

Produced the cotton.

(Depoſed to.)

Priſoner. I only went to look at it.

GUILTY.

To be impriſoned ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Juſtice NARES.

978. ELIZA-

978. ELIZABETH FOX was indicted for feloniously ſtealing, on the 3d day of October, one ſilver watch, value 40s. one key, value 1d. one ſtone ſeal, value 1d. one muſlin neckcloth, value 6d. one pair of buckles, value 1d. one guinea, value 21s. and five ſhillings in monies numbered, the property of Joſeph Lewis.

JOSEPH LEWIS *ſworn.*

I am a coachman, I was robbed on the 3d day of this month, in the morning, I was aſleep; I was going down Field-lane, on the 2d of October, about eleven at night, and I met with the priſoner, *and ſhe ſaid my dear to me, and ſo on*, and aſked me if I would go along with *ſhe*, I ſaid, I did not care, ſo I went to her lodging, in Blue-court, Saffron-hill, and I aſked her what I ſhould give her, and I gave her either a ſhilling or eighteen-pence to ſleep with her, I ſays to her, now you be honeſt and call me up at four o'clock, I muſt go to my work; ſhe promiſed ſhe would, ſo I went to bed with *ſhe*, nobody elſe was in the room.

Was the door ſhut?—She faſtened the door after her, I went to bed between eleven and twelve, and I awaked at half after four, and ſhe was gone, the door was pulled too but not faſtened; I loſt the things mentioned in the indictment, and one bad ſhilling beſides; I loſt alſo my knee-buckles; I went out in the morning, and locked the door after me, and took the key till I found the watchman, I gave him the key, I never got my watch or my money, my knee-buckles were found upon her at the watch-houſe; ſhe had half a guinea and ſome ſilver, ſhe was found in the ſame bed the next morning.

—— CONNOR *ſworn.*

I am watchman on Saffron-hill, on the 3d of October, at five in the morning, the proſecutor came to me and ſhewed me the door where he had been robbed, No. 20, in Blue-court, Saffron-hill, he ſaid he had loſt his watch and money, and the next evening, we went and took her in her room, and brought her to the watch-houſe, ſhe was ſearched by me and the proſecutor, and he found a bad ſhilling upon her which he ſaid he knew, and his knee buckles were in her pocket.

(The knee buckles produced and depoſed to.)

PRISONER's DEFENCE.

I was not at home from Sunday evening till about eleven on Monday morning, I was over in the Borough.

Court to Proſecutor. Where had you ſpent that afternoon?——At Acton.

Where was your own lodging?——In Thames-ſtreet.

You had been drinking I ſuppoſe?——Very little, I was no way in liquor.

Then you had not even that apology for your conduct?—I thought ſhe would have behaved better.

It would have been well, if you had behaved better; you employed your Sunday very ill, Sir; did you drink any thing with her?—Nothing at all.

Are you quite ſure ſhe is the woman?—I am quite ſure.

Court to Priſoner. Have you any perſon to prove that you was in the Borough?—No.

GUILTY.

To be impriſoned ſix months in the Houſe of Correction.

Tried by the ſecond Middleſex Jury before Mr. Baron EYRE.

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979. WILLIAM HOW was indicted for feloniouſly ſtealing, on the 19th day of October, two pounds weight of American leaf tobacco, value 3s. the property of Samuel Gueſt.

THOMAS BREUDER *ſworn.*

I ſaw the priſoner catch at ſome tobacco, and when he ſaw me he dropped it, it was looſe.

Priſoner. I had no intention of ſtealing it,

it, it is a rule to *hove* it down by the ſide of the caſk, I was at work there.

GUILTY.

Whipped.

Tried by the firſt London Jury before Mr. RECORDER.

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280. FRANCES JACKSON was indicted for feloniouſly ſtealing on the 11th day of October, one quart pewter pot, value 12d. the property of Thomas Hitching, the elder.

The proſecutor ſaw the priſoner take the pot, purſued and took her; the proſecutor's ſon ſaw her take the pot and drop it.

GUILTY.

To be privately whipped and confined ſix months in the Houſe of Correction.

Tried by the firſt London Jury before Mr. RECORDER.

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981. THOMAS RIDGE was indicted for feloniouſly ſtealing on the 5th day of October, one linen handkerchief, value 10d. the property of a perſon unknown.

JOHN STAPLETON *ſworn.*

I ſaw the priſoner take the handkerchief from a gentleman's pocket, and ſecured him; he dropped the handkerchief: the gentleman ſaid he believed it was his handkerchief, but he was going out of town, and could not ſtay to proſecute. There were two or three more with him.

GUILTY.

Tranſported for ſeven years.

Tried by the firſt London Jury before Mr. RECORDER.

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982. ELIZABETH SLACK was indicted for feloniouſly ſtealing on the 1ſt day of October, four pewter plates, value 2s. and one half pint glaſs, value 4d. the property of John Harriſon.

JOHN GIBBS *ſworn.*

The priſoner came into the proſecutor's houſe and had a glaſs of gin at the bar, ſhe went backwards, and ſtole four pewter plates off the ſhelf, as a gentleman told me I ran after her and took her two doors off, with the plates under her arm, ſhe dropped them on the pavement.

(Produced and depoſed to.)

Proſecutor. I took a half pint tumbler out of her pocket, I ſaw her brought back and ſhe confeſſed every thing.

PRISONER's DEFENCE.

I have known old John Harriſon twenty one years, and have always uſed his houſe, but not this gentleman, the proſecutor, I always behaved well, I never was accuſed before, nor ever arraigned before; I hope I am in a court of juſtice and mercy; I work honeſtly for my bread, but I have been ſick with a fever and ague, and very much diſtreſſed; I ſhall be fifty-two if I live till St. Stephen's day.

GUILTY.

Court to Priſoner. Where do you belong to?——My huſband's pariſh is in the county of Cumberland, Whitehaven.

To be privately whipped and paſſed to her pariſh.

Tried by the firſt London Jury before Mr. RECORDER.

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983. THOMAS PAINTER was indicted for feloniouſly ſtealing on the 18th day of October, three pounds weight of moiſt

moiſt ſugar, value 1s. the property of William Collier.

The witneſſes examined apart at the requeſt of Mr. Garrow, priſoner's councel.

JOHN BRADSHAW *ſworn.*

I am a watchman at the Cuſtom-houſe, I had charge of a lighter of ſugar, and on the 18th inſtant, a few minutes before four, this priſoner boarded the lighter, and went into the lighter, I found him in it, he ſaid he belonged to it.

Mr. Garrow. Is that true?—— Mr. Collier told me he did.

JOHN BLUNDELL *ſworn.*

I had charge of this ſugar two nights, and there was a little cavity in one of the head pieces of the hogſheads, when they gave the charge to me; when Mr. Bradſhaw had taken the priſoner, he called to me, and then the ſugar was not as it was, the headpiece was broke in, and a great deal of it out, he ſaid he belonged to the lighter.

Priſoner. I am a lighterman, I work for Mr. Collier, he is here.

Court. Who conducts this proſecution?——Mr. Bradſhaw was bound over to proſecute.

WILLIAM COLLIER *ſworn.*

The priſoner has been in my ſervice three or four months, he had the care of ſome lighters; he conducted himſelf always faithfully and honeſtly, with the greateſt care and propriety; his character is that of an honeſt well-behaved man; I had much rather have had a loſs in trade than this charge againſt this man; I would truſt him with anything I have of my own; from the time a cargo is on board the ſhip, which is three or four months, caſks get rotted, and when there are three or four tiers, the preſſure on the ground tier may force out a head, I have ſeen it frequently; ſugar is frequently ſpilt in the lighter before it is unloaded.

—— BOND *ſworn.*

I am a lighterman, the priſoner ſerved his time to me, he was always a very honeſt faithful ſervant to me, I have truſted him with many valuable cargoes, I never heard the leaſt complaint of him.

CHARLES GARDNER *ſworn.*

I am a butcher at Dock-head, I have known the priſoner twelve months, to the beſt of my knowledge he was always an honeſt induſtrious young man, he is a lodger of mine, a regular well-diſpoſed young man.

Are you able to ſay that he is a good young man?——I am.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

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984. WILLIAM BYRNE was indicted for feloniouſly aſſaulting Benjamin Hatton, on the King's highway, on the 17th day of October, and putting him in corporal fear and danger of his life, and feloniouſly taking from his perſon and againſt his will, ſeven guineas, value 7l. 7s. and two ſilver watches, value 4l. his property.

BENJAMIN HATTON *ſworn.*

On laſt Monday night or Tueſday morning early, I was robbed about the middle of the night, at a place called Chick-lane; I am quite a ſtranger here in London, I was coming from a public-houſe at the bottom of this lane, and I was going to my lodgings in Smithfield, the Golden Lion; it was ſome time between eleven and one; I had had ſome liquor, but I was not to ſay drunk, I was in liquor, I ſuppoſe about half drunk; as I was going up this ſtreet, this priſoner takes hold of my collar, and he ſays come along; he came acroſs the ſtreet, I was on the left-hand ſide of the ſtreet he was on the right-hand and juſt croſſed and met me, there were two others after him, I had juſt the glimpſe of the two others, but I could not ſee who they were, they took me into a court, I think they

called it Phœnix Court, there they tripped up my heels and threw me down on my back and ſearched my pockets.

Did the others aſſiſt him?—Yes, they put a handkerchief upon my mouth; but I was ſo frightened I could not call out, I expected to be murdered, they were not half a minute, they riffled my pockets and then ran away; I got up and went to my lodgings, I rung at the wrong door of my lodgings, and a man came and ſet me right.

How did you know the priſoner?—I was drinking with him the day before, I had been walking about and called in at this houſe, and dropped into converſation with this man.

Did you know him when he firſt laid hold of you?—Yes.

Are you ſure he was one of the men that did abſolutely rob you?—He is the man that caught hold of me.

How long had you been in company with him on the Sunday?—I ſuppoſe two or three hours.

Had you ſeen him at all on the Monday?—He ſhewed me to my lodgings on Sunday night, and I treated him with ſome beer at my lodgings, and he ſaid, if you will come down to the ſame place to-morrow evening, I will ſpend a ſhilling with you, you ſeem to be a jovial companion, and ſuch like as that.

Did you go out the next evening?—Yes, and I found him at the public houſe, with his head aſleep on the table; I did not ſee him at firſt, and I ſays to the people of the houſe where is my old friend, and they ſaid that is him laid aſleep on the table; ſo I rouſed him up.

What time of the evening was that?—I ſuppoſe it was ten, I cannot ſay to half an hour; I ſaid to him, you promiſed to treat me with a ſhilling to-night, come where is your treat; oh! ſays he, if you are that ſort of a man, I will have no concern with you, ſo he got off into another ſeat; I do not recollect anything elſe paſſing that night at the public houſe, I was not in company with anybody particularly, thoſe that were in company were ſtrangers to me; and he got up from the table we ſat at, and went to another.

Are you ſure he is the man?—I never ſaw two faces but what there was ſome difference in them, but I am ſure he is the man, it was moonlight.

Any other light than the moon-light?—There were lamps in the ſtreet, there was not much lamp-light, there were a few lamps.

Was it by the moon-light, or by the lamp-light that you ſaw him?—I ſuppoſe it was by both, there was a lamp nigh.

When you ſaw it was the man that you had been ſo well acquainted with, did not you ſay ſomething to him?——No.

How came that?——I was down ſo quick.

Why did not you aſk your old friend what he wanted with you?—The ſtreet is not further acroſs than from me to you.

What did you looſe?—Seven golden guineas and two ſilver caſed watches.

How came you to have two watches?—One was my own, and the other was one I had of a perſon that lives in Montgomeryſhire, and I lent him a little money upon it, he is a Welch drover; I keep a public-houſe, a malt-houſe, and am clerk of the pariſh; I live at Alvly, in Shropſhire, about ſix miles below Bridgenorth, on the river Severn ſide.

By the account you have given of yourſelf, you was very much in liquor?——Yes, I went by accident into this houſe in Chick-lane.

Were your watches ever found again?—No, not that I ever heard of.

Priſoner. Aſk him what dreſs or hat I wore when I made this attempt, as he ſays, on his perſon?——He was dreſſed ſhabbily as he is now, but particularly as to his clothes I cannot tell.

What hat had he on?—A little ſlouched hat on.

A round hat?——A ſlouched hat we call it.

WILLIAM CONWAY *ſworn.*

Between twelve and one on Monday night,

or

or early on Tueſday morning, I obſerved a noiſe at the door near Cow-lane, in Smithfield; I was at the Three-tons, talking to Mr. Roberts, the conſtable; I immediately repaired to the corner of Cow-lane, and I obſerved a man knocking at the Golden-Lion door; ſays I, my friend what are you doing there, they will not ſerve any liquor to-night; he heſitated ſome time before he would give me any account of himſelf; he ſaid he was a lodger; then ſaid I, my friend, come round to the other door, and I will get you entrance; he rang at the bell, and the maſter looked out of the window, and aſked who it was; and he came down, but before he opened the door we aſked him where he had been; he ſaid he had been robbed of ſeven guineas, and two watches; I aſked him where and when, he would not give me any intelligence where, but ſays he, it is very near; the maſter of the houſe laughed at his being robbed, and thought it was a joke for him, or ſimilar to that; the proſecutor was rather inclinable to liquor; I examined his clothes, and they were all dirty behind, as if he had fallen on his back.

Was not he drunk?—He was not to ſay drunk, he was rather intoxicated in liquor.

What are your ideas of being drunk?—He was not ſo drunk but he was capable of giving a proper anſwer, he was *ſenſible drunk*; if he had informed Mr. Roberts and me where he had been robbed at firſt, we might have gone and taken the people, and found the property perhaps, but he was near a quarter of an hour at the door.

JAMES WALLIS *ſworn.*

I was applied to on Wedneſday morning, being conſtable, by the proſecutor telling me he had been robbed; I heard where the priſoner lived, and where he worked, I went to take him, and he was not at his lodgings; I went to his maſter; I aſked if one Mr. Byrne was there, and the man ſaid yes, and the priſoner heard me, and ſaid I am the man; he came into the ſtreet, we had a little converſation, the proſecutor ſtood a few yards off, becauſe he would not be ſeen, ſays he, this is the man; ſays I, be poſitive, do not go to make a miſtake, he ſaid, I am poſitive he is the man; the ſhop-mate came up, and I ſaid to Hatton, was the ſhop-mate in company, he ſaid, no, he did not know him, but he was poſitive of Byrne; I have enquired of this priſoner, and he bears an extraordinary good character, by every body that knows him, he did work in the ſtreet where I live; I know the public houſe very well, I believe it to be a very bad one, I do not think it is much frequented by people of good character, the landlord appeared for him before Juſtice Blackbo ough, the priſoner was ſearched, and he had but one penny in his pocket, he had nothing upon him.

Were his lodgings ſearched?—No.

Why not?——The Juſtice gave no orders to ſearch them.

Why did not you?—I did not know I had any right, as it was in the county; the apartment was locked, and I did not know I ſhould break it, as it was out of the city, I am a city officer.

Why did not you aſk the man for the key of his apartments, and ſee whether he would have given it you?——I did not, I was remiſs in that.

How came you not to bring him to a city Magiſtrate?—Becauſe he was taken in the out-parts, in Gray's Inn-lane.

STEPHEN THOMAS *ſworn.*

On Wedneſday morning about half paſt nine, the maſter of the Golden Lion came over to me, and the proſecutor ſaid, are you a conſtable, I ſaid no, I am one of the patrol of St. Sepulchres; ſays he, I have been robbed, and I believe I ſhould know the party if I ſaw him, ſo I went with him and the officer, and took the priſoner in Gray's Inn-lane, at work in a cellar, we brought him up, the man did not ſeem in any ways confuſed, the officer told him what he was charged with.

PRISONER's DEFENCE.

My Lords, and Gentlemen of the Jury, the

the firſt of my acquaintance with that gentleman there, was on Sunday evening before laſt Monday, I happened to be drinking in this public houſe, another man and I, and we ſcarce ſat down to have another pint of beer, but in came another ſhopmate of his, we had ſeveral pints of beer before this man came in, he ſat on the oppoſite ſide of the box, and he called for a pint of beer, and he ſaid, does any of you know where I could find a bit of victuals, yes, ſays I, there is an eating-houſe up there, he went out and brought in fourpenny-worth of meat, he eat ſome, and put the reſt in his pocket, his pint of beer was out, we wanted to have another pint of beer between ourſelves, ſo he ſaid my good fellows, if it will be agreeable, I will be one penny, and let us have a pot; it is all agreeable, ſays one in company, he ſaid will you have any more, I ſaid no, my money grows ſhort; ſo this gentleman aſked me, ſays he, my good fellow, I am a ſtranger here, lately come to town, I wiſh you would ſee me ſafe home, I ſaid to my ſhopmate let us go, we went and conducted him ſafe to his lodgings, and at the public houſe where he lodges, we were going to part, and he ſays come in, and I will treat you with a pot of beer, ſays I, come that is good fellowſhip, and he was ſixpence to our four pence halfpenny, and we had three pots of beer, and I told him if you are ſo good as to come down to-morrow night, I will treat you with part of a ſhilling's-worth; and he came down the next night, and ſaid to me, you d—d raſcal, ſays he, are not you aſhamed to get intoxicated, ſays I, did I ever raſcal or abuſe you, and if you are ſuch a fellow as that, I will ſit no longer in your company: (Gentlemen, I hope you will excuſe me, I am rather choaked) this man called an oyſter woman, and he behaved ſomewhat impudent, and the landlord threatened to turn him out, he went out of the houſe, and we three ſat together drinking for upwards of an hour after, and my witneſſes can teſtify the ſame, and alſo the landlady's ſervant maid.

Court to Hatton. When this man went home with you on Sunday night to your lodgings, was there any body elſe with him?—Yes, there was another man with him, and another came to him.

Court. Let the priſoner's witneſſes all but one withdraw from the Court.

MARY WILSON *ſworn.*

I live at the corner of Holborn hill, next Chick-lane, the Crown and Anchor, a public houſe, I am the landlady.

Have you a huſband?——Yes.

Is he here?——No, he is not, becauſe he was in another room that night, and did not ſee any thing of the buſineſs.

Do you know the priſoner?——I do.

How long has he uſed your houſe?——Theſe four months occaſionally.

Do you know the proſecutor on this charge againſt the priſoner?—I do not, I never ſaw him before Monday night laſt, I ſaw him then come into the houſe, and have a pint of beer, and I gave him change, and he drank it and went out.

How long was he in your houſe?—I take it my Lord, as nigh as I can gueſs, it was between nine and ten.

What time did he go away?——Rather before eleven.

Are you ſure of that?——I am very poſitive of it.

Had he only one pint of beer while he ſtaid?—Only one pint.

Who was he in company with?——He ſat drinking with a woman that comes in with oyſters, the woman had a pennyworth and they put it into the pot.

Did you ſee him ſpeak to any body elſe, while he was there?—I did not.

Was the priſoner at your houſe that night at all?—He was, and came in about five, or rather before five in the afternoon.

How long did he ſtay?——Till half after twelve.

Who was he in company with?——Nobody, till about eleven, then two of his ſhop-mates came in, and they had two or three pints of beer, and drank together.

He

He had three pints of beer?—Yes.

Was that before or after the profecutor went away?——It was after he went away, they came in after he went out.

Did the prifoner go out at all before they came in?——No, he did not go out from five till half after twelve, I was in the bar and I could fee the tap-room; I am very fure that he did not go out.

What had he been doing from five till eleven, when his companions came in?—He had been aſleep on the table, I was in the tap-room melting ſome butter, and he was ſtanding by the fire; and I ſaid, Byrne you will fall, and he ſaid, that will not hurt you, no, ſays I, but it may you; and he went and he ſat down, and leaned his head upon the table.

What had he been doing till nine?—He had been doing nothing but ſitting, he had one pot of beer when he came in, that was all till his ſhop-mates came in; he was in liquor when he came in, and after that pot of beer, he was very much in liquor, and ſlept on the table, with his head on the table.

Do you know who the two men were, that came in with him?——They are waiting on the outſide of the Court now.

What are their names?——One's name is Hall, and the other's name is White.

Who did he drink his firſt pot of beer in company with?——I do not recollect, yes, I do, one Smith that works at a ſhop oppoſite to Jackſon's, a ſtove-grate maker, he is not here.

Had the prifoner any ſupper that night?——Nothing at all, the profecutor had a ſlice of bread, and eat ſome oyſters.

You would be likely to remember it, becauſe he would pay you for it?——He had nothing from me.

Had either of his companions anything? Nothing, then his two companions came in both together.

Who went away firſt, the prifoner or his companions?—One of his companions went away with the other, and the other, went away with him.

Which was it that went firſt?—White.

How long did Hall and the prifoner ſtay afterwards?—About a quarter of an hour, as nigh as I can recollect, they went out together.

You did not ſee the profecutor and the prifoner ſpeak together at all that night?—No, I did not.

Was that Monday night the firſt time you had ſeen the profecutor?——It was.

Where were you on the Saturday night before, was you at home?—On the Sunday night he was at our houſe, and I went out and ſtaid out to ſupper; my huſband told me on Monday morning, that the profecutor had been there on Sunday night and there had been ſome diſputes about religion between them, in the tap-room.

Had the profecutor frequented your houſe before that?—Never to our knowledge, he had never been in our houſe before the Sunday night.

Then you was not well acquainted with him?——We had no knowledge of him, any further than his coming in the ſecond time to drink his beer.

Did you know where he came from?—No, I did not know any thing of him.

Did you know his name?——I do not know it now.

Pray, how could your huſband tell you on the Monday morning, that he had been at your houſe on Sunday night?—He could not tell me by his name, any further than ſuch a ſort of man had been there on Sunday night, and they had ſome diſputes, and when he came on Monday night, the ſervants told me he was the ſame man, that is all I know about it.

Prifoner. My Lord, the profecutor has ſaid, I had a ſlouched hat on when I robbed him, now when I came in, and went away, I had no hat on.

Court to Mrs. Wilſon. Did you obſerve that?—I do not know that he had any hat on; to the beſt of my remembrance, I do not remember he had a hat on; and when he went out at half paſt twelve I let him out, and he aſked me for a penny candle, and a man in the houſe went with him to the corner where he lodges, he lodges in a

court oppoſite to us, he works in Grays-inn-lane; I do not remember he had a hat on, and I do not really believe that he had any hat on.

EDWARD WHITE *ſworn.*

I live at the ſign of the Angel, Upper Ground, Southwark, I am a baſket-maker.

Do you know the priſoner?—Yes.

How long have you known him?——I cannot recollect particulars, I ſuppoſe I have known him for about two or three years.

Do you remember being in company with him on Sunday laſt?—I was not on Sunday, I was on Monday.

Where?—At the ſign of the Anchor and Crown, the corner of Holborn-hill, Chick-lane.

What time did the priſoner come in?—I found him there.

What time did you go in?—I went in near as I can recollect about a quarter before ten.

Where was the priſoner then?—He was ſitting in the tap room, and I and one Thomas Hall went in together, I found the priſoner and the proſecutor ſitting together, I went into an adjacent box, and never ſpoke either to one or the other.

Did Hall join them, or ſtay with you?—He joined the priſoner and the proſecutor, they were diſcourſing about religion, they were rather at variance; Hall did not ſtay long with them before he came into my company.

How long did the diſpute continue between the priſoner and the proſecutor?—It might be about a quarter of an hour; Thomas Hall went up to William Byrne the proſecutor, and told him that I was there, and in a quarter of an hour, Byrne came into my company, and left the proſecutor ſitting with an oyſter woman.

What time of night was that when the proſecutor joined your company?——According to my recollection it was about eleven when the priſoner went out.

How long was it after Byrne came to you, that the priſoner went out?—He wen out almoſt immediately.

About what time of night was it when the proſecutor went out of the houſe?—I had no watch about me, nor there was no dial in the tap-room, but as near as I can recollect it was about eleven when he went out of the houſe.

Did you go out with him?—No, Thomas Hall ſtaid behind, I left the priſoner there at the public houſe, when I went away, and I ſtaid ſo long that as I went along Fleet-market, I looked at the clock, and it was very near half paſt eleven, I could ſee by the light of the moon, then I left the priſoner William Byrne there, and Thomas Hall with him.

What had you for your ſupper?—I had nothing, I had ſupped with Thomas Hall before I came there.

Who ſupped with the priſoner then?—I do not know.

Did you ſee him ſup?—He did not ſup while I was there.

What beer had you, and he, and Hall together?—I believe, my Lord, I had a pint of beer before the priſoner came and joined me, and then we had two pints afterwards, I paid two pints and left them to pay one, and what they had afterwards I do not know.

How came you to take notice of this diſpute about religion?—My Lord, I heard that the proſecutor and the priſoner were to meet at this houſe this evening, and when I ſupped at Thomas Hall's, he ſaid, after we have ſupped, ſuppoſe we have a pint of beer together, and go down to this houſe, and ſee William Byrne, and while I was there, I heard them diſcourſing about religion, I had the newſpaper in my hand, I ſpoke to nobody, and knowing the priſoner, I heard what he ſaid, and William Byrne ſaid you called me a raſcal and rogue, and I do not know what for; I think the diſpute was about religion, I wonder that I ſhould take ſo much notice as I have, not knowing what I ſhould be brought to.

Did the proſecutor appear to be ſober or in

in liquor?——When he went out, he was very much in liquor.

Was the priſoner drunk or ſober?——He was in liquor.

THOMAS HALL *ſworn.*

Court. Let Mrs. Wilſon and Mr. White go out of Court.

Hall. I live in Frogmore-court, Charter-houſe-lane, I am a baſket maker; I have known the priſoner to the beſt of my knowledge, about two years and a half, he is a baſket maker.

Can you remember being in company with him any particular evening lately?—Yes.

When was it?——To the beſt of my knowledge, a quarter before ten, on Monday evening laſt, at the Crown, on Saffron-hill.

Where did you meet with him on that evening?——I had not ſeen the priſoner after that morning ten o'clock, he was then going over the water; I met with him in the evening at the Anchor and Crown, he was there at the ſame time I went in.

What time was that?—To the beſt of my knowledge about a quarter before ten, Edward White was with me, an acquaintance of mine, of the ſame trade.

Was the priſoner there then before you went in?—At that time, my Lord, he was.

Who was he in company with when you went in?—He was in company with the proſecutor.

Did White and you join him directly?——I will ſpeak with your liberty, and you Gentlemen of the Jury, I went in and called for a pint of beer, and aſked Byrne how he did, he ſeemed to be ſomewhat in liquor; I then ſpoke to the proſecutor, ſeeing him there the Sunday afternoon, the proſecutor aſked me to drink out of his pint of beer, and I drank with him, Edward White was cloſe by me, he did not ſpeak to the proſecutor, becauſe he did not know him, he ſpoke to Byrne, and I hearing ſome words between the proſecutor and the priſoner, I went and called White who was in my company; and Byrne told the proſecutor, ſays he, if I had not been drinking with you, I ſhould not have taken your behaviour, you have uſed me very ſcurvily, you have called me raſcal.

Had they been drinking together then?——I did not ſee them drink, but to appearance they had, and they were in company then; upon this the priſoner left the proſecutor, and came into my company and White's.

What became of the proſecutor then?—To the beſt of my knowledge, he went out, and to the beſt of my knowledge, I ſpoke to the ſervant, and ſpeaking, that man came into the back yard, it was thought he had gone out of doors, and there was a pint of beer called for, and he refuſed paying for the pint of beer, and the ſervant told him it was neceſſary to pay for all beer that is brought in here, as it is brought in, and the maid ſervant inſiſted upon it's being paid for, ſhe took it away the firſt time, and brought it by deſire the the ſecond time, and to the beſt of my knowledge, he paid for it and had it, he did not drink with me, only once, he was not with Mr. White at all in company, and in a quarter of an hour, he went out, he was with an oyſter woman after Byrne left us, and ſhe aſked him to give her ſome beer, ſhe had a penny worth, and put it into his pot, I believe the proſecutor might be in the houſe half an hour, from the time they entered the houſe, which was about a quarter before ten, I ſpeak by computation.

Then he went out a little after ten?—Yes.

About what time as near as you can judge?—As near as I can judge it might be twenty minutes paſt ten.

Did the priſoner go out with him?——The priſoner was not out of the houſe, till I left the houſe, he was with me in company all the while to the beſt of my knowledge.

How long did you ſtay?——About two hours or upwards, I ſpeak to the beſt of my

my knowl edge, when I parted with the priſoner, and when I got near home, the watch then went juſt half paſt twelve.

Then you ſtaid till after twelve?——Yes, at Mr. Wilſon's where the priſoner andthe proſecutor were.

Did the priſoner and you come away together?——Yes White went away half an hour before I went, he living over Black-fryars bridge.

Had you any ſupper at this houſe, at Wilſon's?——Edward White went with me, I work in Gray's-Inn-lane, with one John Mayton, he went with me to my apartment, and ſupped of a bit of roaſt beef.

Cold or hot?—Hot.

Was any body elſe there?——Only my wife.

Had you any thing elſe beſides the beef?——Potatoes and ſauce.

Then it was after you had ſupped, that you went to this public-houſe?—White called upon me at Mr. John Mayton's, where I work with one Robert Wiſe in company, Wiſe and White and me went to the Bell ale-houſe, then Wiſe left us, and White went home with me.

Court. Call White in again.

Court to White. I think I underſtand you, that Hall and you went together to this Anchor and Crown, at the corner of Chick-lane?—Yes.

Are you ſure you went together?—Yes.

Where did you meet with Hall that evening?——I met with him at the place where he works in Gray's-Inn-lane, at Mr. Mayton's, I met with him there firſt, it was about dark, I went from thence to his dwelling, there I ſupped.

Did you go immediately to his apartment?——No, we went from where he works, to the ſign of the Bell, which is near where he works.

Was any body elſe with you?——There was one man with us, he did not go to Hall's apartments, I ſupped there, we had a piece of beef for ſupper, and ſome potatoes, nobody in company with us but his wife.

Did you ſpeak to Byrne at all, before you ſat down in the box when you went into the Crown?——No.

You do not recollect that you did?——I did not I am ſure.

You are quite ſure?——I did not aſk him how he did, Hall only did, I never ſpoke to William Byrne till he came to me, neither did he know that I was there till he aſked Thomas Hall whether I was there or no.

How long after Byrne came into the box to you and Hall was it before the proſecutor went out?——As near as I can recollect he went out about eleven, he came once to the entrance of the door, he did not come into the tap-room, but what he ſaid I cannot recollect, he ſaid ſomething to the ſervant, to nobody elſe that I know of; he went out into the paſſage, whether he went out of doors I cannot tell, he went out of the tap-room, I obſerved him at the door, but what he ſaid I do not know; he went out and never came in again that evening.

Court to Mrs. Wilſon. Was you at the bar and the tap-room the whole of that evening?—I was not the whole evening, I was backwards and forwards about my buſineſs.

I think you ſaid you did not ſee the proſecutor and priſoner ſpeak together all that evening?—No, I did not.

Do you remember whether the proſecutor came back again after he went out at all?——I do not, he went to the door and called Peggy, as I obſerved before, and I told him there was no Peggy there, and he was rather troubleſome, and I deſired him to go about his buſineſs.

Did he pay for all the beer he had?——He had one pint, and he ſcrupled to pay for the beer before he had it, and I ordered my ſervant to take it away, and he paid for it, and I changed him a ſhilling.

Had he been out before that, do you recollect?—I do not know that he had.

Court. Let White ſtep out a moment.

Court to Hall. You and the priſoner went away together?--Yes.

Did you go home with him?—He and I parted at the end of his court, I bid him good

good night, and he wiſhed me the ſame; and he ſaid he ſhould be up the next morning early.

What ſort of hat had the priſoner on?—I cannot tell that.

Can you recollect whether it was a cocked hat or a ſlouch hat?——I cannot charge my memory really.

What ſort of hat did he uſually wear?—Sometimes a cocked hat, and ſometimes a round one, I cannot tell which he had on that night.

Do you remember anything particular about his hat at all?——I do not.

Do you remember his hat having been blown in the dirt?—No.

Do you remember whether he had a hat or no?—Yes, he had a hat, to the beſt of my knowledge, but I cannot tell whether it was a cocked hat or a round one.

Are you ſure he had a hat?—To the beſt of my knowledge.

Court. (Call in White again.) Do you remember anything particular happening about the priſoner's hat that evening, whether he had a hat, do you remember any thing ſaid about it?——He had never a hat while I was there, I did not obſerve a hat, I did not ſee him with a hat at all.

ELIZABETH SMITH *ſworn.*

I live at Mrs. Wilſon's, and have done ſo five months.

Did the priſoner uſe to come to your houſe often?——Yes, ſeveral times ſince I was there.

Do you remember his being there laſt Sunday evening?——Yes, he was in company with ſeveral in the tap-room, but I cannot ſay with who particularly, on the Sunday evening.

Do you recollect how long he ſtaid there, or when he went away on Sunday evening?—I cannot ſay particularly to the time.

Who did he go away with?——I cannot ſay particularly.

Do you recollect his being there at all on the Monday evening?—On Monday evening he was there from five till half paſt twelve.

How came you to recollect ſo particularly the whole of the time he was there on the Monday evening, and not be able to tell the time he was there on the Sunday evening?——May be I might not be there.

Yes, you ſay you was, but when he came, who he was in company with, and when he went away you cannot ſay; then how came you to charge your memory ſo particularly with the Monday evening?—Very likely I might be buſier on the Sunday.

Were you ſo, I do not aſk you what you might be?——I remember on the Monday, Mr. Byrne went out at half paſt twelve, that I am very ſure of.

He came in about five you ſay?—Yes.

Who came in with him?——I cannot rightly ſay who was with him, any further than he was drinking with Mr. Hall, or Mr. White to the beſt of my knowledge.

Which of them did he come in with at five o'clock, recollect yourſelf now?——I cannot tell particularly, I know I ſaw them drinking together.

What all three?——Yes, I think ſo.

How ſoon after the priſoner came in did you ſee them drinking together?—I cannot tell to a minute.

I do not want you to tell to a minute, but how ſoon?—To the beſt of my knowledge they all three came in together.

Did you ſerve them with beer?—I drew one or two pots for them.

For them?—Yes.

How long did White and Hall ſtay there?—I think to the beſt of my knowledge Mr. White went away about eleven, or a little before, and Mr. Hall went home with the priſoner.

Who elſe was in company with them in the courſe of the evening?——I cannot recollect any particular perſon; there was a gentleman drinking, but whether he drank with them or not I cannot particularly ſay; I remember one perſon having a pint of beer, my fellow ſervant drew it, and a ſlice of bread.

Who was that perſon?——I think to the beſt of my remembrance it was the proſecutor, but Byrne I do not remember

this drinking with him, or eating anything with him on the Monday night.

What time did the man come in, do you recollect?——I believe it to be about ten, or near upon ten, I cannot rightly say.

Where was Byrne when the profecutor came in?——I think, to the beft of my remembrance, he was aſleep, with his head on the table, when the profecutor came in.

Where were Hall and White then?—I think Hall ſat at a table by himſelf aſleep at the time; I think he was aſleep too.

Where was White?——Mr. White, I think, was gone, and Byrne and Hall were both aſleep; I think ſo, to the beſt of my knowledge they ſat at different tables; there was a woman came in with ſome oyſters at the ſame time, and this gentleman bought ſome oyſters, but how many I cannot ſay, and he eat ſome, and gave ſome to my fellow-ſervant to take into the kitchen, and in a few minutes he called for the oyſters, and he went to the door after the oyſter-woman, and called Peggy, and he went out after her, but whether he knew her I cannot ſay; I cannot ſay whether I ſaw him and the priſoner ſpeak together, but to the beſt of my knowledge he did not.

How ſoon did Byrne awake again after the profecutor went away?—I believe he ſlept very near upon the time, he went home, and Mr. Hall too, and Mr. Hall went home with Mr. Byrne, and I ſaw him to the end of the court where he lives, I cannot ſay how far he ſaw him; I did not go with him, he ſaid he would go to ſee him home.

Then you do not remember White, Hall, and Byrne drinking together, after the profecutor came in?——No.

What they had was before?——Yes, to the beſt of my remembrance, I think ſo.

Who deſired you to come here as a witneſs, my girl?——Come here as a witneſs! I only came here to ſpeak what is the truth.

But who deſired you to come to ſpeak the truth?——My miſtreſs got me to come.

When was you firſt told it would be neceſſary for you to come here, and ſpeak about this?——I come to ſpeak no otherway than the truth.

No, no, I am not queſtioning that, but when was you firſt told?——On Saturday laſt.

Who told it you then?——My miſtreſs told it me.

Who was in company then?—My miſtreſs, maſter, and me.

Were not the other witneſſes Hall and White there?—No.

Upon your oath were not they at your maſter's houſe on Saturday night laſt?—Laſt Saturday.

Upon the oath you have taken were they or were they not?——Mr. Hall, I think was.

And Mr. White both?—I cannot rightly tell you, I am ſure Mr. Hall was.

Now upon your oath was not Hall and White, and your miſtreſs, and your fellow ſervant, and you all together at your maſter's houſe on Saturday laſt, enquiring what each of you was to ſay, and telling what each of you knew of this buſineſs?—No, Sir, upon my oath there was no ſuch thing.

You ſwear that?—I will ſwear that, I can ſwear it.

Who told you that you muſt fix the time from five till half paſt twelve?—I ſpoke as near as I could.

Who have you talked with on this buſineſs?—Nobody, but my miſtreſs and maſter thought it would be proper for me to come on this buſineſs.

Who is the priſoner's attorney?—I cannot tell, I have never ſeen him, I will be upon my oath to it.

How came it then that you ſo particularly recollect the time that the priſoner came and went away that particular day and no other?—May be I might be minding my buſineſs more one day than another.

Had you ever ſeen the profecutor before Monday night?—I never ſaw him before the Sunday night, then the priſoner and profecutor were drinking together.

How

How long were they together as you recollect that evening?—I cannot say particularly.

Do you know which of them went away first?——I cannot take upon myself to say not positively, nor whether they went out together I cannot tell, not positively.

Do you remember how much beer the prosecutor had on Monday night?——One pint, and a slice of bread, to the best of my remembrance that was all.

Then he did not stay long?—He was not above an hour, he might or might not be more, I cannot tell you.

Did he pay for that pint of beer when he had it?—No, he did not, for there was a dispute about his paying for it, he would nor pay for it before he drank it; my fellow servant drew it, and he went to the bar and paid for it himself.

What is your fellow servant's name?—Her name is Amey Garlick.

AMEY GARLICK *sworn.*

I have lived at Mrs. Wilson's five months.

Do you know the prisoner Byrne?——Yes.

How long has he used the house?——I cannot be positive to say how long he has used it.

Do you remember his being at your house the Sunday before last?—Yesterday was a week I remember very well, and on the Monday.

Who was he in company with on Sunday?—Along with that gentleman on Sunday evening, the prosecutor.

Which of them went away first?—I cannot take upon me to say which went away first on Sunday night, I cannot be positive to say which went out of our house first on the Sunday.

Did they come in together?——I believe it was about the dusk of the evening when they came in.

Did they come in together?——As far as I know.

Did you see them come in?—I will not be positive, but I saw them there together about the dusk of the evening.

How long did they stay?——It might be an hour or more, I will not take upon me to say.

Did you see them go away?—No, I do not remember.

Now we will see if you remember any better on the Monday?—Why, I take it, he was at our house about five o'clock on the Monday evening.

Do you know Mr. Hall and White?—By coming to the house, nothing further, I know them by sight.

Were they with the prisoner when he came in, on the Monday afternoon?——No, Sir.

What, neither of them?—No, I know that Mr. Byrne was there on Monday evening.

But did either Hall or White come in with him?——Not that I know of.

Did you see them there at all, on Monday evening?—Yes, both of them, Mr. Hall and White.

What time did you see Hall and White on the Monday evening?——I cannot be positive what time it was.

As near as you can recollect?—I cannot be positive to say, it might be about nine.

Do you mean to say that the prisoner was alone by himself, from five till nine?—I cannot be positive, he was very much in liquor when he was in our house, and slept on the table a good while.

Can you recollect when he first joined company with Hall and White?——He left the prosecutor's company to go into Mr. Hall's and White's company, the prisoner sat down by the prosecutor, the prosecutor came in about ten, as I look upon it.

Was either White or Hall there at that time, when the prosecutor came in?—As far as I know they were.

How long do you think they had been there?——It might be half an hour, or an hour before the prosecutor came in.

Had you served them with any beer-before

fore the profecutor came in?——I really cannot fay.

Recollect yourfelf?——I ſerved Mr. Hall and Mr. White with ſome beer.

Did you ever ſerve them with any beer before the profecutor came in?——Not to my knowledge.

Can you tell me upon recollection, whether you ſaw them there before the profecutor came in or not?——I cannot take upon me to ſay.

Did you ſee White and Hall come in?——I cannot ſay I did, the profecutor came in nigh upon ten, he called for a pint of beer, and I drew it him, and upon calling for a pint of beer, there was an oyſter-woman came in, and he had ſome oyſters.

Who did he ſet down with?——By the ſide of the oyſter-woman, and the priſoner was on the other ſide of him, in the ſame box, laying his head on the table, now and then.

Did they ſpeak together at all?—Yes, but what they ſaid I cannot ſay.

Was the priſoner aſleep or awake when they came in?—He was aſleep, I did not hear what paſſed between them.

How long did the priſoner ſtay in that box by the profecutor?——Why, I look upon it when the gentleman went out of our houſe, that it was about eleven.

Did the priſoner ſtay in the box where he was ſitting with the profecutor, till the profecutor went away?—I think the profecutor awaked Mr. Byrne.

Now, after Byrne awaked, did he continue to ſit with the profecutor till the profecutor went away?—I cannot ſay whether he did or not.

Where was Byrne when the profecutor did go away?—In our houſe, in the tap-room.

When the profecutor went away, was Byrne the priſoner in the ſame box, or was he in another?—No, I think he remained in the ſame box till the profecutor went away.

Did Byrne remain in the ſame box, when the profecutor went away?——I cannot take upon me to ſay.

Why cannot you remember that, as well as that he went away exactly at half paſt twelve?—Becauſe there was nobody in the houſe, but this Mr. White, and Hall, and the priſoner.

When did the priſoner firſt join company with Hall and White?—That I cannot tell.

Was he in company with them at all?—Yes.

How do you know he was?—He took part of three pints of beer.

How do you know that the priſoner, and White, and Hall were together?—So far as this by Mr. Hall's going home.

Do you know whether Hall and White and the priſoner were at all together in company at your houſe?—I cannot take upon myſelf to ſay.

Can you ſay whether Hall and White were in company with each other at all or not?—Yes, they were together.

What, can you ſay that?——Yes, I think they were to the beſt of my knowledge.

Did you ſee them, together or did you not?——Yes, Sir, I really think I did.

I aſk you poſitively, whether you ſaw them there at all that night?—I tell you I ſaw them there, but I cannot ſay whether they were altogether.

Were theſe two together?—Mr. White and Mr. Hall were together in our tap-room.

The Remainder of this Trial in the next Part, which will be publiſhed in a few Days.

THE WHOLE

PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Gaol Delivery for the CITY of LONDON;

AND ALSO

The Gaol Delivery for the County of *Middlesex*,

HELD AT

JUSTICE HALL *in the* OLD BAILEY,

On Wednesday the 19th of OCTOBER, 1785, and the following Days;

Being the EIGHTH SESSION in the Mayoralty of

The Right Hon. RICHARD CLARK,

LORD MAYOR OF THE CITY OF LONDON.

TAKEN IN SHORT-HAND BY

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M DCC LXXXV.

[PRICE ONE SHILLING.]

THE WHOLE

PROCEEDINGS

UPON THE

KING's Commiſſion of the Peace, Oyer and Terminer, and Gaol Delivery for the City of LONDON, &c.

Continuation of the Trial of William Byrne.

Then you cannot venture to ſay whether the priſoner was with them or not?—I cannot take upon me to ſay, I will not take upon me to ſay, when Mr. White went away, Mr. Hall went out at the ſame time that Mr. Byrne did, I ſaw them both go together, and Mr. Byrne had a candle at the bar, I can take upon me ſo far as that.

How long before that had you ſeen them together?—I cannot ſay how long.

Then the ſum of your evidence is this that you can ſwear poſitively, that the priſoner came there at five o'clock, and went away at half paſt twelve, and that Hall and he went away together?—Yes.

But nothing elſe you will venture to ſay?—No, I will not.

Now, who told you to ſay that?——Nobody.

Can you ſwear that?——I can be clear in that as day-light, that nobody at all told me to ſay ſo, indeed.

Do you know when the proſecutor went away?——I think he went away a little before we put our ſhutters up.

What time is that?—We put our ſhutters up at eleven, or a little after.

Did you ſee the priſoner there after the proſecutor went away?—Yes, Sir, I did.

You are ſure of that too?—Quite poſitive of that.

Did you ſee Mr. White there after the proſecutor went away?—No, Sir, I did not.

Then you cannot ſay, whether White or the proſecutor went away firſt?—I cannot take upon me to ſay that.

Did you ſee Hall there after the proſecutor went away?—Yes, I did not ſee Mr. White after the proſecutor went away, to beſt of my knowledge.

What beer had the proſecutor while he was there?—I think to the beſt of my knowledge, he had a pint of beer, and a ſlice of bread.

Had he any more do you think than that?—Not to the beſt of my knowledge, and he had a penny-worth of beer that he pour into his pint, but that he had with the oyſter-woman; I ſerved him with his penny-worth of beer, and his ſlice of bread.

Did he pay for it directly?—Yes.

How, with half-pence?—I think, Sir, to the beſt of my knowledge, it was a ſhilling he gave me.

Did

Did he pay for it before he had it or after?—No, after he had it.

Do not you uſually aſk for the payment before?——Yes, but he ſcrupled paying for it when I aſked him for it.

Court to Priſoner. Have you any more witneſſes except to your character?—No, my Lord.

Court to Proſecutor. Have you any knowledge at all of the two people that were with the priſoner when they ſtopped you in Chick-lane?—No, I have not.

None at all?——No, Sir, I ſhould not know them if I were to ſee them ever ſo, becauſe they came like behind me.

Should you know the young man that went home with you and the priſoner on Sunday night?——Yes, that was Hall I think.

Had you any converſation or diſpute with the priſoner on the Monday night, except about the ſhilling that you wanted him to treat you with?—No, Sir, he got up directly, and went to another box, I do not know who he went to.

Do you remember Hall and White being there?—I cannot ſay.

You cannot ſpeak yourſelf, with any certainty to the time that you left the houſe?——No, Sir, I cannot, it was between eleven and one; it was between twelve and one, as they tell me, when I got home to my lodgings.

WILLIAM CRUTCHWELL *ſworn.*

I live at Shadwell, I am a baſket-maker, a maſter and houſe-keeper, I have known the priſoner about four years, the man worked for me near a year and half, and he always bore the character of an honeſt man, I never knew nor heard any thing to the contrary of him.

Do you know any thing of Hall and White?——Yes, I know the men, they have neither of them worked for me.

Do you happen at all to know what character they bear?—I never knew any bad character, I only knew them in the trade, I never heard amiſs of them, I have knewn Hall many years perſonally, I never heard any thing amiſs of them in my life any further than drinking at times.

JOHN MAYTON *ſworn.*

I live in Gray's-Inn-lane, a baſket-maker, the priſoner has worked for me two years, I am a houſekeeper, he is a very honeſt man, and a very careful ſervant; Hall is a ſervant of mine, and has been four or five years, he is a very honeſt man; I know White, he never worked for me, but I have heard his character as a very honeſt young fellow.

RICHARD BURDY *ſworn.*

I am a baſket-maker in Surry, I am a houſe-keeper, the priſoner worked for me, about four months about two years ago, he is a very honeſt man as far as I know, I never ſaw any otherways by him; I have heard talk of Hall; I know White, he ſerved his time in Water-lane, he is a very honeſt man, he ſerved his time with one Mr. Banniſter.

ELIZABETH DONALDSON *ſworn.*

I live in great Hind-court, Chick-lane, the priſoner lodged with me, and has done ſo for two years the 1ſt of Auguſt laſt, I never heard anything but he was honeſt.

Ann Foſter. I am a houſe-keeper, the priſoner worked for me in my huſband's time, I carry on the baſket-making buſineſs, he was a very honeſt man while he worked for me.

SARAH AVELYN *ſworn.*

I live on Saffron-hill, I am a lodger, my huſband and this Mr. Byrne were drinking together this Monday night from ten, and I was there, and the priſoner was very much in liquor when we went away, it was at Mr. Wilſon's, the corner of Chick-lane.

Do you know the proſecutor?——I ſaw him ſitting with a gentleman in mourning, but I did not take notice who it was.

Do you know whether it was that gentleman?——Yes, I believe it was, but I cannot take upon myſelf to ſay, he was ſitting with an oyſter-woman.

Do

Do you know Hall and White?—No.

Did that gentleman ſpeak to him at all?——Not while I was there, they were not at the ſame table.

Then he did not go up and ſpeak to Byrne, when he came in and awakened him?——No, not while I was there, Byrne was awake when I was there, he was not aſleep.

You went away about ten?——Yes.

Is your huſband here?——No.

ELIZABETH PAPPS *ſworn.*

What are you?——A publican; I live in Chick-lane, I have known the priſoner three years, and the other two, they are all three very upright, very honeſt, very juſt, and paid me every farthing, and that farthing too.

Who do you ſpeak of?——The three baſket-makers, I mean Mr. Byrne, Mr. Hall, and the other gentleman, I forgot his name; Mr. White I have known for three years, they have a club at my houſe.

Which of the three that you have been giving a character to is the priſoner?——Mr. Byrne; they never uſe my houſe much only when they have a club, which is once a fortnight.

NOT GUILTY.

Tried by the firſt London Jury before Mr. RECORDER.

---

985. THOMAS OWEN was indicted for feloniouſly ſtealing on the the 1ſt of October laſt, a feather bed, value 18s. a flock bolſter, value 2s. two pillows, value 3s. one pair of pillow caſes, value 3s. a pair of linen ſheets, value 8s. a blanket, value 1s. a coverlid, value 9s. the property of James Cockill.

MARGARET HOSKINS *ſworn.*

I live in Green Bank, by Wapping-church, the priſoner took the key of my room out of my hand at a public houſe, and when I went home between ten and eleven, I found the door open, and the padlock open hanging on the ſtaple, and the things gone; I am ſure my goods were all in the room when I locked it, and that this man took the key; the goods were as mentioned in the indictment; the priſoner was a ſlight acquaintance of mine.

You meant he ſhould go to your room, and ſtay there for you?—No, I did not.

He did not take the key againſt your will?——He did, I did not like to make any noiſe or diſturbance; I did not lodge there above two or three days; the goods were the property of the proſecutor.

Mr. Knowles, Priſoner's Counſel. What may your employment be?——I am a poor unfortunate girl, driven to it by diſtreſs; I am willing to do anything in an honeſt way.

You firſt found the young man in the paſſage of the public houſe?——Yes, I had no quarrel with him.

Did not you break his pipe?——No.

Will you ſay you did not give him the key into his hand?——No, I never did, he took it out of my hand, I ſaid I wanted no diſturbance, I wanted the key.

Did not you give him the key, that he might ſleep with you?——No, I gave myſelf up till the matter was found out, I told them they might do as they liked.

Did not they put you into the watch-houſe?——Yes, this man never appeared with the key.

In the morning did not this man after having made enquiries for you, come to the watch-houſe?——It was paſt two in the afternoon, he came to ſee me, he came into the watch-houſe, and I ſtopped him.

Did not you tell him Mr. Cockill would make it up for three guineas?——I never did.

JAMES COCKILL *ſworn.*

I live at No. 1, in Black Horſe-yard, the girl had been my lodger about three or four days before this affair happened.

What room had ſhe?——It is only a room on the ground floor, the things in the indictment were a part of the furniture of that room, this witneſs came a little before

before eleven on that night, to let me know that the things were gone; I went in, and the room was ſtripped, this is the padlock, which was unlocked; I know nothing of the priſoner but what ſhe told me, I never got any of my goods again.

Mr. Knowles. I believe you know that padlock may be opened with a ruſty nail?—I do not know.

Is that a common padlock?——No, it is not.

JANE COCKILL *ſworn.*

I let the room on the Thurſday to this woman, on Friday ſhe came, I never ſaw her, on Saturday I came there, and the door was locked, about half after ten ſhe came clapping her hands, and ſaid ſhe was robbed, and had given the priſoner the key.

Court. Did ſhe mention the name of Owen that night?—Yes, twenty times.

Did you go after Owen that night?—We took him on the Sunday, he came to ſee her, I was ſent to the priſoner, and he gave me the key, then he was charged on the Monday, he offered to pay for the half of the things, if ſhe would pay the other half; I never found any of the goods; he ſaid to this woman, that ſuch and ſuch people had ſold the bed for fourteen ſhillings.

PRISONER's DEFENCE.

I leave it all to my councel.

Court. But will not you give the Jury ſome ſatisfaction with reſpect to this key, whether you did take it, or how you came to take it?——I was rather diſguiſed in liquor when ſhe offered the key to me, ſhe wanted me to take it, but I would not.

JAMES PRITCHARD *ſworn.*

He came into this houſe, and the woman came in, and ſtruck the man and broke his pipe, and ſhe threatened him with a warrant, ſhe did not ſee him for three or four days, then they made it up over a quartern of gin, that was the 23d or 24th of laſt month, I will not be ſure which.

Was that the day before he was taken up?——No, it was two evenings before, the man and her agreed to go home together, and in the preſence of me ſhe gave him the key of her room, ſhe ſaid ſhe was going out, and ſhould be back in a ſhort time, and if he wanted to go home there was the key; I never ſaw her give him the key afterwards, on the Saturday following, ſhe came into the tap-room again, wanting the man to go home with her, which he would not, he was in this houſe from the hour of eight, till within a quarter to eleven, when he went home with another woman that he has lodged with me theſe two years paſt; being in liquor, the woman ſays he ſtaid there till very nigh eleven on the Sunday, and on the Sunday after we had dined he came and aſked me to go to ſee this woman here, I do not know her name, and as we were going down to her houſe a woman aſked him if he was going to ſee Peggy; ſays the woman ſhe is in the watch-houſe, and he and I went there, and as we went to the watch-houſe ſhe detained him.

What is the priſoner's character?——As far as ever I ſaw he behaved extremely well, he is a ſeaman.

THOMAS BRASSETT *ſworn.*

The priſoner was a lodger with me in my houſe, after he came home from Greenland, I have always ſeen him behave with ſobriety, and I have let him have money at different times.

Where was he that Saturday night?——I do not know.

JAMES READ *ſworn.*

I ſaw this woman give him the key on Saturday night, between eight and nine, I am ſure ſhe gave him the key in the tap-room.

Court. What did ſhe give it him for?——I cannot ſay, ſhe gave him the key, and ſaid he might go home if he liked; the priſoner is a ſeaman, and has a very good character for what I know.

MARTIN SMITH *ſworn.*

On Saturday I was with the priſoner,

he was then in the tap-room, I had been to draw ſome beer, coming up I found the priſoner with his arms round the woman, deſiring her not to ſtrike him; I deſired peace, and after he let her looſe he flew at her again; I deſired her ſeveral times to be quiet, but ſhe would not, and ſhe ſaid ſhe would have a warrant againſt him, and about one or two afterwards I ſaw one of the officers come in with her, he ſaid he wanted Thomas Owens, but the reſt of the lodgers told him to keep out of the way; I believe on the Monday ſhe came down, and one perſuaded another, and ſhe ſaid ſhe would make it up, and they made it up, and had a quartern of gin; but ſhe came in again and ſaw him with a woman, that was, I believe on the day before he was taken up, and ſhe ſeemed to be jealous, and ſhe ſaid ſhe would fix him one way or the other; at that time ſhe had not the warrant againſt him, becauſe he had ſettled the warrant; about a quarter before eleven, or half after ten, he went out, and ſhe ſaid are you coming home, and I ſaw them both go away together from the door; I never ſaw anything of him to bear a bad character.

ALICE POTTINGER *ſworn.*

I know the priſoner, I remember the time when he was taken up, he aſked me in to drink, and he detained me till almoſt eleven o'clock; I aſked him to go home and ſleep at my houſe, and I would make him up a bed, being in liquor; and he went out about eleven in the morning; I cannot ſay I ſaw this woman there, I was in his company from ſix till I believe a quarter before eleven, and he went home with me.

NOT GUILTY.

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986. THOMAS HOPKINS and HENRY DICKSON were indicted for feloniouſly ſtealing, on the 7th of October, five yards of hempen cordage, value 5s. the property of Robert Martin, and John Wiltſhire.

ROBERT MARTIN *ſworn.*

I am in partnerſhip with Mr. John Wiltſhire, I loſt the cordage mentioned in the indictment; it is about ten yards long, I know nothing of the priſoner, Gray the officer came to me, hearing we had loſt ſome.

JOSHUA GRAY *ſworn.*

I am headborough belonging to the liberty of the Tower; I ſat up this night, and going home in the morning at five o'clock, I perceived two men with a burden, it was rope they each had on their ſhoulders, I aſked them how they came by it, they directly made a ſtruggle, and flung it off their ſhoulders, and ran away, and a watchman brought one of them back, I am poſitive the priſoner he brought back was one of the two, he was admitted King's evidence, and upon his information the priſoners were taken and committed, the priſoner Dixon and the evidence had the property on them, the other man was not one.

(The cordage produced.)

Proſecutor. I believe it to be mine, I cannot ſay poſitively.

(Depoſed to by Robert Chiſolm who whipped it.)

JAMES WRIGHT *ſworn.*

I am a watchman, I took the evidence.

HENRY SHAFTOE *ſworn.*

On the 6th of this month in the evening I got in company with the priſoner Dixon and another that is not taken, at the Blakeney's Head, in Back-lane, we ſtaid there till paſt ten at night, and he ſaid to me, will you go with me, I told him yes, and we went from there down to Tower-ſtairs, there we got a boat, and went down to New Crane, and cut one headfaſt away from a barge, we came up again to Billinſgate, and had a pot of beer and ſome bread and cheeſe, and came down again above the Hermitage, and cut two headfaſts more away; and in the tier of craft below we cut another, we got on ſhore, and walking

up

up Shorter's-ſtreet, this gentleman ſtopped me and Dixon, with the property on our ſhoulders, we had each of us two; I knew Dixon before, I knew Hopkins, but did not know his name; this is the firſt time I ever was confined in my life; Hopkins had the ſcull on his ſhoulder, when he was ſtopped.

PRISONER HOPKINS's DEFENCE.

I went into this public-houſe to get a glaſs of peppermint, as I have generally in the morning before I go to work, I met two of my ſhipmates, I met with them as the officer took me.

PRISONER DIXON's DEFENCE.

I am lately come from Greenland.

The priſoner Dixon called one witneſs to his character.

THOMAS HOPKINS, NOT GUILTY.

HENRY DIXON, GUILTY.

To be privately whipped and confined to hard labour twelve months in the Houſe of Correction.

Tried by the firſt Middleſex Jury before Mr. Baron EYRE.

MISDEMEANORS.

On the Sixth Day of this Seſſion, a Second London Jury were ſworn.

John Whinn
John Kay
Henry Smith
Stephen Wolfe
Thomas Wheeler
Robert Savage
John Chamberlain
William Nicholſon
William Brounger
Joſeph Read
Martin Wilſon
Silveſter Lowden.

987. ELIZABETH WATSON was indicted, for obtaining one piece of Iriſh cloth, value 50s. the property of John Wiltſhire, upon falſe pretences, with intent to cheat and defraud him thereof.

JOHN WILTSHIRE *ſworn.*

About the latter end of July, the priſoner came into my ſhop on Tower-hill, but I do not recollect the day, ſhe came to purchaſe ſome goods in the linen way, ſhe ſaid my name is Watſon, you recollect me, I immediately ſhewed her ſome low Iriſh cloths, then ſome finer of the ſame widths, ſhe ſaid ſhe was recommended to me as being in the retail way, ſuppoſing ſhe could do better than going to a wholeſale houſe, though ſhe was recommended by her friends to go to the wholeſale houſe; and ſhe aſked me if I would allow her diſcompt, I told her it made no difference, if I put on the diſcompt I muſt charge her rather more, and ſhe agreed to buy them at a ready money price, ſhe looked up various other articles after of Iriſh cloths, I ſhewed her ſome table clothes, ſhe begged to have a proper aſſortment, for ſhe had taken a ſhop about three months, and ſhe mentioned ſeveral people, one or two in particular; I aſked her where ſhe had taken a ſhop, ſhe ſaid, in Paradiſe-ſtreet; I aſked her how long it was a ſhop, whether it was a ſhop before, ſhe then ſaid, ſhe reſided there; I aſked her how long, ſhe ſaid

ſaid, about three months; I aſked her wh ſhe dealt in particularly, ſhe ſaid in the millinery way, and in the linen drapery way in a ſmall degree, but ſhe had friends, and hoped ſhe ſhould do very well; after the table cloths ſhe aſked for ſome handkerchiefs, and indeed a regular aſſortment all the way through, ſhe looked out I ſuppoſe to the amount of fifty or ſixty pounds; ſhe then wiſhed to ſee a remnant of fine Iriſh, I ſhewed her two or three cut quantities of fine Iriſh, ſhe ſaid it was for a particular cuſtomer, and begged I would be very particular in that, for ſhe wanted to ſhew it that afternoon, I at length found a bit that pleaſed her, and which I thought was very good, I told her I would ſend it in with the other goods, ſhe ſaid her children wanted to go to ſchool, and begged I would let her take it with her, and make a bill out, and ſend them altogether; can you ſend them, ſays ſhe, this afternoon, and ſhe would pay for that Iriſh, when the other goods were delivered to Paradiſe-ſtreet, Rotherhithe, in the morning; I rather heſitated letting her take it, out of a degree of complaiſance, I told I would rather ſend it; no, ſays ſhe, I ſhall take a boat, it is no trouble, I will take it, if it is agreeable to you; ſhe behaved in ſuch a manner that I would not offend her, I rather run the hazard of letting her have ſuch a quantity of Iriſh, I did not ſuſpect ſhe was ſuch a kind of a woman; and ſhe went out of the ſhop with it; I ſent the goods the next morning, ſhe deſcribed the houſe to me within two or three doors of the lane, where in fact ſhe lived; I went down myſelf into Paradiſe-ſtreet, up and down, and looked at every houſe, and went likewiſe to Paradiſe-row, and I ſaw no ſuch thing as ſhe deſcribed, there was no ſuch ſhop of the kind that ſhe mentioned; I made ſome few enquiries there, and there was no ſuch perſon, only one perſon ſhook his head when I enquired after her.

Did you enquire whether ſhe had any houſe or ſhop in Paradiſe-ſtreet?—I did, but I could find no houſe or ſhop in that name, nor there was no ſuch perſon lived there.

Did you enquire of anybody that was likely to know, ſuch as the pariſh officers?——No, I enquired of two poor inhabitants, then I aſked this linen-draper, ſuppoſing him to be moſt acquainted; here is one of the inhabitants here.

When was this woman taken up?——I accidentally met her myſelf the Saturday before the ſeſſions before laſt, in Roſemary-lane, I knew her again perfectly well, it was about ſix weeks before that ſhe had been at my ſhop.

Did you ſtop her then?——I did, in the ſtreet; ſhe begged I would not expoſe her; a few people began to collect in conſequence of what I ſaid; I took her into a houſe, and I began to aſk her how ſhe could, a woman of her appearance, deceive me in that manner; ſhe ſaid ſhe was drawn to it by a bad huſband, ſhe had lived extremely well, but was plunged into diſtreſs by very unhappily placing her affections on a very bad man, who had left her with two children; ſhe appeared very ſorry and had never done the like before but to me, in conſequence of what I had heard, I enquired about it, and had it been diſtreſs, I would have acted otherwiſe; I afterwards went for an officer, and had her committed.

FRANCIS HOLDSWORTH *ſworn.*

I live at the end of Paradiſe-ſtreet, and have lived there ſix months, I know the neighbourhood well.

Do you know any woman of the name of Watſon that keeps a linen-draper's ſhop there?—No.

Has there been any ſuch within the laſt ſix months?—No, I was born there.

Can you undertake to ſay with certainty that there never was a perſon of the name of Watſon kept a ſhop there?—There never was any ſhop in that ſtreet.

Are you clear of that?—Yes.

PRISONER's DEFENCE.

My Lord, I met with Mr. Wiltſhire, and went with him, I ſtaid for ſome time, I ſtaid till paſt four o'clock then I went volun-

voluntarily to his houſe, he promiſed me favour; I have a very large family, and am now ready to lay-in, and my diſtreſs is very great.

Have you any defence to make as to the charge itſelf?——None at all, I certainly had the cloth.

Have you any witneſſes to attend to your character?——They attended at the Old-Bailey, but I do not ſuppoſe they are here.

GUILTY.

Court to Priſoner. How many children have you?——I have eight children.

(The priſoner had one child with her about four years old, and ſaid ſhe had another, a twin.)

How long has this woman been in cuſtody?——About ſix weeks in the Poultry Compter, till laſt week, ſhe is now in Newgate.

Court to Priſoner. Elizabeth Watſon, you have been convicted upon very clear evidence of an offence of a very dangerous tendency, and the Court, the Lord-Mayor, and myſelf feel a very conſiderable difficulty from the ſituation in which you ſtand, you appear perſonally to be by no means an object of favour, becauſe not only this offence has been very clearly proved, but there is too great reaſon to ſuſpect it does not ſtand ſingly, but that you have made a practice to defraud honeſt and induſtrious tradeſmen and houſekeepers, who are to gain their livelihoods, of their property under a falſe and groundleſs pretence; it is an offence againſt the public, and we feel ourſelves bound in point of juſtice not to let ſuch an offence paſs unpuniſhed, we dread the effects as an example; at the ſame time your preſent ſituation, being far advanced in pregnancy, render impriſonment to you of unuſual ſeverity; we are therefore inclined to take that circumſtance into our conſideration, as far as conſiſtent with public juſtice we can, and on that ground, and on that ground alone it is; that we have determined greatly to mitigate the ſeverity of that ſentence, which in juſtice we ſhould otherwiſe be bound to pronounce againſt you, it would not have appeared to me, nor I believe to his Lordſhip, by any means proper to have diſmiſſed you with a ſentence of leſs puniſhment than twelve months; but that ſentence might be attended with conſequences even dangerous to your life; and that of the unborn infant; therefore we ſhall in this particular inſtance, in compaſſion to that ſituation, and regard to the riſque of your own life and your infant, mitigate that ſentence, and content ourſelves with ſentencing you to ſuch a term as with what you have ſuffered will make out three months, that is, that you be impriſoned in the Poultry Compter ſix weeks, and we hope that compaſſion which has been ſhewn to your ſituation, will be an additional motive to you not to return to your evil courſes, for you are now very well known, you are known to this court, and if brought here again, no ſituation will be ſufficient to excuſe you from exemplary puniſhment.

The ſaid ELIZABETH WATSON was again indicted for obtaining goods, value 42s. the property of William Lane, by falſe pretences.

Court. The proſecutor on account of her ſituation does not appear to give evidence.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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788. THOMAS CONNER was indicted for obtaining, on the 8th day of May, 1784, one hat, value 16s. the property of Richard Donn, upon falſe pretences, with intent to cheat and defraud him thereof.

WILLIAM BUCK *ſworn.*

I am an apprentice to Mr. Donn, the priſoner

priſoner came to me, I cannot tell the day of the month, nor the month, he ſaid he came from my maſter's houſe, and ſaid he came for a hat that was delivered by miſtake, and he would bring another hat directly, and I gave him the hat; Mr. Morſet is a hatter and hoſier, and he had ſent a hat home by his ſervant, my maſter deals with him, and had a hat of him that day between five and ſix, and this man came in about a quarter of an hour after it was brought home.

How was the priſoner dreſſed?——I cannot tell, only his hair was tied behind, and he was a pock-freckled young man.

How long was it before he was taken?——About a year and a half, and better.

Did you never ſee the lad before?——No.

How can you poſſibly undertake to ſwear to a ſtranger at a year and half diſtance?——By his hair I can ſwear poſitively to him.

You can?—Yes.

RICHARD DONN *ſworn.*

I live in Coleman-ſtreet, I know nothing further than I had a hat ſent home which was loſt; Robert Morſet is not in town.

Is there no witneſs from his houſe?——None at all.

Court. Independent of the length of time which alone would have been ſufficient proof to induce you to doubt the boy's recollection, here is no evidence at all to the material part of the charge againſt him, for there is no proof Mr. Morſet did not ſend him.

NOT GUILTY.

Tried by the ſecond London Jury before Mr. RECORDER.

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989. THOMAS ROBINSON was indicted for that he, on the 1ſt day of October, having in his cuſtody and poſſeſſion a certain falſe and fictitious paper writing, purporting to be directed to Meſſ. Harris, Preſcott, and Howard, Bow Church Yard, and to be a letter and memorandum requeſting them to give the bearer four pieces of Iriſh linen at about 4s. per yard, did obtain the ſame by falſe pretences.

JOHN GROOMHERD *ſworn.*

I know the priſoner, and I am very ſorry it has fallen to my lot to appear againſt him, but if he had not, in all probability I muſt have taken a trial in his ſtead; I have ſeen the priſoner eight or nine times, I do not know what he is, I am a ticket porter; on Monday, the 30th of laſt September, about twelve at noon, the priſoner came to the Temple-gate, and he ſays, porter, will you go and do a job for me this afternoon about four o'clock? I ſaid if I was in the way I would; he ſaid, he would call at that time as he was going away, but he turned round, and ſays, porter, I have recollected myſelf, it will ſuit better for you to go at three; I did not ſee him that day, at all, on the next day, on the firſt of October, he came about half after twelve, I was looking down the Inner Temple lane, and about half way down I ſaw the priſoner, he put his fingers up and I came to him, ſays he, now can you do the job you was to do yeſterday? I ſaid, if you pleaſe; he took me down through the Temple in Temple-ſtreet, Whitefriars, then he pulled out this note, and gave it to me; I am ſure this is the note, I had it from the priſoner; now ſays he, go according to the directions of this note, and you will receive a parcel, and bring it to me, at the Pied Horſe, in Chiſwell-ſtreet, and if you ſhould be there before me, wait, but if I am there before you, I will wait till you come; I looked at the note, and I ſaw it was directed to Meſſ. Harris, Preſcott, and Howard, linen drapers, in Bow Church yard; the note was wafered; I told him I would go immediately, I was going, and he ſaid, porter, I want to ſpeak to you, if they ſhould aſk you where you come from, ſay you came from No. 5, Moor-place, Moorfields, I went with the note, and gave it, as I found afterwards,

afterwards, to Mr. Preſcott, I believe he went into the compting-houſe to read it; in about five minutes he came out, and ſaid, porter, did the gentleman mention what price he would give? I ſaid, I do not know, he told me to come for a parcel, and bring it to him at the Pied Horſe in Chiſwell-ſtreet; he ſaid very well, he would go and look them out immediately, and I muſt give that juſtice to Mr. Preſcott to ſay, that there is not a tradeſman in the city of London could look out a parcel quicker than Mr. Preſcott did, but it was not the ſame ſort that the priſoner ſent for, Mr. Preſcott went to look out the parcel, he did produce ſome linen to be ſure, but it was a great deal ſmaller than the priſoner ſent for, and of a different quality, for inſtead of looking out the four pieces of linen, he looked out a white night cap, which was on the head of a conſtable, who took me into cuſtody; now ſays he, my friend, I ſhall take care of you, till you find out the perſon that ſent you, I was defrauded out of ſeveral dozens of handkerchiefs by a note ſimilar to this hand-writing; I cannot ſay, my Lord, but what I was a little aſhamed, but when I recollected myſelf I ſaid, I know nothing of it, I am innocent, I came in my profeſſion as a ticket porter; ſays he, I do not know that; ſays I, I belong to a ſociety, which the preſent worthy Lord Mayor is preſident of, it is called the Guardians; and if I had ever been concerned with any ſwindler, I muſt never look them in the face any more; he aſked me who I knew belonging to the ſociety, I mentioned many reſpectable characters about Cheapſide; Alderman Plomer is our governor; we give two ſecurities of fifty pounds each; ſays I, if you detain me here, it will not be the way to find out the perſon, you had better let the conſtable go with me to the Pied Horſe in Chiſwell-ſtreet; then Mr. Preſcott had a conſultation whether he ſhould ſend any linen, but it was agreed, that it ſhould be a parcel of waſte paper, tied up in the form of a roll, for me to carry under my arm, that if the priſoner ſaw me he ſhould not think any thing was amiſs; then it was agreed for me to go, and the conſtable and his aſſiſtants, I was to walk firſt, and they were to walk behind me, Mr. Preſcott was to come behind at ſome diſtance, and the conſtable and his aſſiſtants were to go into the tap-room, and take no notice of me, and I was to go in, and go to the bar, and enquire for the gentleman; accordingly we went, and I went in firſt into the tap-room, I called for a pint of beer, and aſked the gentlewoman at the bar, if there was a gentleman there waiting for a porter that had been into the city about ſome Iriſh linens; ſhe deſired me to ſit down; ſays I, I had rather not, I will go to the door, and may be I may ſee the gentleman one way or the other, I went to the door, and I had no ſooner come there, than on caſting my eyes acroſs the road, I ſaw the priſoner ſtanding in Moorfields, he ſaw me and held up his hands, I held up my hand, and held up the parcel, he ſeemed to be very well pleaſed, then he came forwards out of Moorfields into the middle of the road, and I advanced and met him at the right hand corner of Chiſwell-ſtreet, where there was a penthouſe, and we went down there; ſays he, well! (and ſmiled) you have got it; yes, ſays I, you villain! and I have got you; and I took him by the collar, and I turned round, and ſaw the conſtable about ten or twelve yards off, I held him faſt, and gave them a beckon, they came up, he trembled, and ſaid, what is the matter? then I delivered him to their charge.

What did he ſay for himſelf?—He ſaid very little, he ſaid what was the matter; we went into the Pied Horſe, and Mr. Preſcott came in, then it was agreed to take him to Meſſ. Rogers and Co. at No. 5, Moor-place, whoſe names he had preſented; we all went in together, Mr. Rogers came firſt, he ſaid he knew nothing of the hand-writing; the priſoner was preſent; Mr. Rogers ſaid he knew the defendant, that he was formerly a clerk in their compting-houſe: I am ſure this is the note.

(The note read, directed to Meſſ. Harris, Preſcott, and Howard, in Bow Church-yard.)

" Meſſ. Rogers and Bromfield preſent

" com-

" compliments to Meſſ. Harris and Co. " requeſting they will give the bearer four " pieces of Iriſh linen, value about 4s. and " incloſe bill of parcels, as they are going " on board immediately."

" Moor Place."

Mr. Peatt, Priſoner's Councel. You are a porter at the Temple gate?—Yes.

You are a city porter then?—Yes, I had ſeen the priſoner about a twelvemonth ago, but never above eight or nine times in my life, I had not a great deal of converſation with him.

Did not the perſon explain the nature of the buſineſs?—No, Sir.

You was under ſome apprehenſion for yourſelf if you had not found out ſome perſon to fix this upon?——I was detained.

When you came to Chiſwell-ſtreet, I believe your fears would have been realiſed if you had not found ſome perſon to fix this upon?——I fixed on the right.

The party was not at the Pied-horſe?—No, I know the man again.

Pray, Sir, as you have been extremely tenacious concerning your character, has it ever been your misfortune to be ſuſpected of any little depredations yourſelf?——Yes.

What was the reſult of that ſuſpicion?—Not felony, I never was tried in my life, I was in cuſtody for an aſſault, and it was ordered up by a general releaſe.

WILLIAM PRESCOTT *ſworn.*

I remember the laſt witneſs coming to me with a note, I have had the note in my poſſeſſion the greateſt part of the time, and I have put the initials of the houſe upon it, this is the note that was brought by the porter which has juſt been examined; I ſuſpected it, becauſe we received a ſimilar note in July, and delivered goods in conſequence; when I received this note, I went into the compting houſe, to compare it with the note I had received before, and it appeared to be the ſame hand writing; upon that I immediately ſent for a conſtable.

Upon your detaining him, what ſtory did he tell you?——He ſaid, he knew nothing of the contents of the note, he totally denied it; he ſaid, he knew the man that gave it him, and could bring ſeveral reputable people to appear for him, and convinced me thoroughly that he was not concerned, and he told me where the man was to be found.

Mr. Peatt. You know nothing of the hand-writing, but that it bears a reſemblance to one you formerly received?——That is all.

DANIEL DENSON ROGERS *ſworn.*

Is that your hand writing?—No.

Is it your partner's?—No.

Do you know the hand writing at all?—I think it reſembles the priſoner's hand writing, he was once a clerk in our houſe, I have frequently ſeen him write.

Do you believe it to be his hand writing?——It has a very ſtrong reſemblance, it is not the hand writing of any body now in the houſe.

Did you ever ſend for theſe goods?—No.

Mr. Peatt. How long is it ſince the priſoner ſerved you in quality of clerk?—About two years.

Did he ſeem converſant in the management of buſineſs?—He was very clever at buſineſs.

You conſidered him as rather an intelligent young man?—Certainly.

How did he behave in that capacity when he was with you?—He was very clever in buſineſs.

Do you recollect giving any verbal order reſpecting theſe things?—No.

SIMON COOKE *ſworn.*

I am a conſtable, I went with the porter; the firſt time I knew the priſoner, to take notice of him, was underneath the farriers ſhop, the porter had ſtopped him.

PRISONER's DEFENCE.

The note that was carried, was not my hand writing, nor was it received for me, the man that has given this evidence to day is in the habit of giving evidence: my education at ſchool gave me an opportunity of forming

forming many connections, which disappointment in my family have rendered me unable to support. I have known the Duke of Richmond better than three years, I was introduced to his Grace by the Honourable Mr. Lenox, on my returning from Gibraltar, where I was all the siege, I was recommended by the Duke of Queensborough, I went out as clerk.

Jury to Groombrd. You took a note from a stranger, and undertook to deliver a lie, and to say that it came from No. 5, Moor-place?—In my profession, I tell more than a hundred lies in a week, gentlemen frequently give me a letter, and, say, porter, you must say you came from the Change, when I came from Covent Garden.

The Jury desired to withdrew and returned with a verdict,

GUILTY.

Court to Prisoner. You have been convicted by the verdict, by a very attentive Jury of this fraud; and I am now at liberty to say that I entertain no doubt in my own mind, that the Jury have selected the truth of this case from the evidence; the offence is of a very dangerous nature, a person who has lived in a situation of credit as a clerk to a house of character, making use of the name of that house to obtain credit, and defraud them of their property, is an offence the most difficult of all others to guard against, and which therefore ought to be watched more particularly, and punished with more severity; for few kinds of fraud are more dangerous, and more prejudicial to trade, and it seems to me that there is very little distinction as to your guilt, between the attempt you made by the note you wrote and sent by the porter, and the completion of that guilt, which depended upon the credit that note might obtain with Mr. Prescott, for the delivery of the goods; the Court therefore think they should not discharge their duty to the public, and afford the protection which they owe to the trade of this great City, without sentencing you, which they now do, to be imprisoned for the space of twelve-months, in his Majesty's gaol of Newgate,

Court to Groombrd. You have cleared your character from all imputation.

Tried by the second Middlesex Jury before Mr. RECORDER.

990. JOSEPH JEFFERY SMITH was indicted for wilful and corrupt perjury at the last Session, at the Old Bailey, on the trial of Jane Langley and Mary Finn.

The record of the conviction read and examined by the Court.

EDMUND HODGSON *sworn.*

Court. Read the whole of the prisoner's evidence from your short hand-notes.

The Short-hand Writer here read the evidence, as in the seventh part of the Sessions Paper of the last Session, page 1071.

Court. Was Smith sworn?—I do not remember the man.

ROBERT ROBINSON *sworn.*

I remember Smith being sworn as a witness upon the trial of these two women.

Did you hear him give that evidence that was stated by Mr. Hodgson?—Yes.

Did he ever make you any such offer of making it up for four guineas, as is therein mentioned?—Yes.

Where was it?——At the Brown Bear, East Smithfield, I think it was the first of August.

What did he offer to you?——Four guineas.

What to do?—To make it up, and not appear against the prisoner.

Who was present?—Mr. Burton, and one Brown that was along with me.

Prisoner. Ask the man whether it was the first of August or no; I think I heard in the indictment, it was on the first of August, I was not in London on that day,

I was in Chelſea, I went out on a day's pleaſure, my wife, and me, and my maſter's daughter, from the morning till nine o'clock at night.

Court to Robinſon. Recollect what time of the day it was?——It was in the afternoon about two or three.

What day of the week was it?—It was on Thurſday, I believe.

Endeavour to fix the time as well as you can, what day was you robbed?——On Friday evening, the 29th of July; on Monday the 1ſt of Auguſt I took the priſoner, this converſation was the Thurſday following.

——— BURTON *ſworn.*

I was preſent with Robinſon, after the Juſtice committed the priſoners; we went to the Brown Bear, and had ſixpenny-worth, and the priſoner and another man came in, and the priſoner and the other man, both ſaid, they would give four guineas to make it up.

Which of them ſaid ſo?——They both ſaid ſo ſeveral times.

Not both together?——One after the other.

Did the priſoner ever ſay ſo?——Yes, I am clear in that.

What did he offer Robinſon the four guineas for?——Not to appear againſt them, and I went to the Juſtice myſelf and aſked him.

Do you recollect where this was?——I cannot really ſay, it was on Thurſday.

Are you ſure of that?—I am.

Priſoner. Did you ſee me offer any money?——No, I did not ſee any money at all.

Did not Brown ſay to Robinſon, if the girls and I could make up four guineas, will you be agreeable to make it up?—He aſked me if I ſhould take it.

Was that after the offer by Smith?—Yes.

Court to Robinſon. How came you to think that it was the third day after the robbery that this converſation paſſed?—It was the day they were fully committed, was on a Thurſday.

PRISONER's DEFENCE.

My Lord, I do declare, I never offered him any ſuch money, I had no ſuch money about me, this Brown and I went over to the Brown Bear, where that man and Burton were together, we fell into diſcourſe; Brown was gone to the Juſtice's a long while, and Mr. Burton wanted to go home, I ſaid, I will give a ſtep to ſee them; but it is very falſe that I offered them the four guineas.

Where is Brown?——I ſent after him but he could not be found, he lives in Wapping, I have ſome friends here to give me a character, I never was in a priſon, and it was the firſt oath I ever took, and I hope it will be the laſt.

CORNELIUS CALLAGAN *ſworn.*

I know the priſoner, he has worked for me thirteen months, I have known him about fifteen years, I never knew any thing bad by him.

JOHN SMITH SHEPHERD *ſworn.*

I have known the priſoner fourteen months, all I have ſeen by him was his going to his maſter's houſe, and I always ſaw him induſtrious and at work, he lives in my neighbourhood.

Priſoner. I did not come for the ſake of reward, nor was I hired to come; I loſt four or five days beſides my impriſonment, I have been five weeks in Newgate, I never was before any Magiſtrate before, ſince I have known what life was; this is ſuch a diſgrace to me, that if my maſter will not take me again, I muſt go and leave my native country.

GUILTY.

Court to Priſoner. You have been convicted of a crime which is one of the moſt dangerous to ſociety of any that can be committed: perjury, in all caſes, is a very heinous, and a very dangerous offence, it takes

takes away the only ſecurity that the law can provide for the due adminiſtration of juſtice, which is the civil power in criminal proſecutions; and it appears to me that a perjury in criminal caſes, is more criminal than in a civil trial, where property alone is concerned: this offence of perjury, in behalf of a priſoner, is ſomewhat leſs than that againſt a priſoner; for where that produces conviction in a capital caſe, it appears to me to fall little, if anything, ſhort of the guilt of murder: but ſtill this is a very high and dangerous offence, for the conſequence of it is to endeavour to interrupt the courſe of Juſtice, and to ſcreen the guilty from puniſhment; and it has this further tendency, to render all teſtimony on the part of the priſoners ſuſpected: you have in the courſe of your defence, made one obſervation which appears to be a juſt one, and which points out to the Court very diſtinctly the line of their duty in the preſent caſe, and that is, that by this tranſaction your character has been taken away, ſo that you will not have an opportunity of obtaining your living in this country, and muſt be obliged to go abroad; that marks out the line of conduct for the Court to purſue; and, therefore, the ſentence of the Court is, that you be impriſoned for one week in Newgate, and then tranſported beyond the ſeas for the term of ſeven years, to ſuch place as his Majeſty with the advice of his Privy Council ſhall think proper to declare and appoint.

Tried by the ſecond London Jury before Mr. RECORDER.

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991. RICHARD DREW was indicted for wilful and corrupt perjury.

The witneſſes called, and not appearing, the defendant was

ACQUITTED.

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992. JOHN JOHNSON was indicted for uttering a counterfeit ſhilling to one Elizabeth Shaw as a good one, knowing it to be falſe and counterfeit.

There being no evidence the defendant was

ACQUITTED.

The Seſſions being ended, the Court proceded to give Sentence as follows:

Received ſentence of death 12. *viz.*

William Vandeput, Daniel Eaſt, James Beaman, Francis Storer, James Neſbitt, John Iſaacs, John Davis, William Shergold, Edward Preſton, George Manning, otherwiſe Francis Hill, Michael Smith, and William Powley.

James Scott did not receive ſentence of death, his caſe being referred to the opinion of the twelve judges.

To be tranſported for ſeven years, 27.

Robert Simpſon, Maria Hamilton, John Henderſon, William Hicks, Joſeph Bolus, Jeremiah Shepherd, John Arnold, John Alliſon, James Rooke, James Jordan, John Ford, Jarvis Bradbury, Thomas Band, Joſeph Oſborne, Matthew Dell, John Brewer, John Burman, Thomas King, William Jackſon, Robert Roberts (Africa), George Rankin, Charlotte Springmore, Mary Harriſon, William Kelly, Joſeph

seph Fattington, Frederick Bell, Thomas Ridge.

To be imprisoned one year in the House of Correction. 6.

Judith Reading, James Graham, Sarah Harris, Susannah Martin, William Smith, alias Newman, Henry Dickson.

To be imprisoned six months in the House of Correction. 14.

Robert Richardson, Mary Goutrie, James Worthy, Ann Taylor, Mary Burch, John Simmons, Ann Smith, Elizabeth Fox, Jeffery Callen, Caleb Warren, Frances Jackson.

To be imprisoned one month in Newgate. 1.

John Cleverly.

To be whipped. 3.

John Barlow, James Graham, James Worthy, John Simmons, William How.

Fined 1s. 4.

John Wood, John Cleverly, George Woodward, William Harding, William Morrow, alias Murray, a capital convict, received his Majesty's pardon, on condition of being transported for life to the British settlement in the Bay of Honduras.

The trial of Messrs. Goodrige's and Evans, for forgery, was postponed till next sessions, the validity of the will of Mr. Sawtell being still depending in the Commons.

The trial of Zachariah Bevan for forgery was postponed, on the ground of a will being also in litigation.

*** The next Sessions will begin on Wednesday the 14th day of December next, at the Old Bailey.

Mr. HODGSON

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OF

PERSONS tried at the OLD BAILEY in the Mayoralty of the Right Honourable RICHARD CLARKE.

N. B. The Figures refer to the Number of the Trials, and the different Sentences each Priſoner received is marked *before* the Names, *viz.* thoſe marked D. received Sentence of Death. T. 14. tranſported for fourteen Years. T. tranſported for ſeven Years. N. ſentenced to hard labour on the River Thames to improve the Navigation. B. Branded. W. Whipped. Im. Impriſoned. Fi. Fined. Sp. Special. E. I. Eaſt Indies. And thoſe without any Mark, were acquitted.

And the Reader will alſo obſerve that the *Capital Crimes* for which the ſeveral Priſoners were tried and received ſentence of Death, are marked *after* the Names, as follows.

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